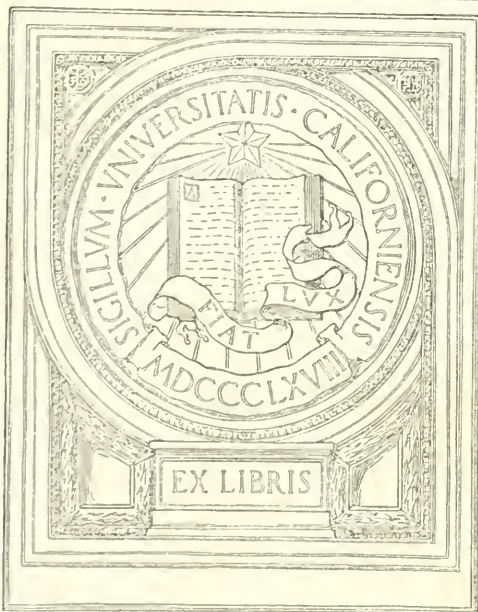


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# ARCHAEOLOGY;

OR,

THE SCIENCE OF GOVERNMENT.

BY

S. V. BLAKESLEE,

OAKLAND, CAL.

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## PREFACE.

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MODERN civilization has been characterized by the great variety and rapid development of the physical sciences. The vast material fields of thought have been vigorously canvassed, and their facts carefully studied, for the discovery of principles. These have been clearly explained, exactly defined, and arranged into different systems of science, which again have been wonderfully applied in practice for the improvement of the physical welfare of man.

But, in the rich fields of abstract thought, there has been comparatively very little done in the form of developed science. Especially in the all-important science of government, bearing directly on the welfare of nations, and affecting the interests of every intelligent being, this failure of a scientific treatment has been most remarkable. Thousands of volumes, scores of thousands, have been written upon the practice and enforcement of law, as if an art; but, in the opinion of the writer, not properly one, on government, treated from a generic point of view, as a

science. Only few authors have suggested such a treatment as possible, while a specific name for it is not found in any civilized language.

As an attempt to remedy this defect, by the development of a distinct science of government, the following treatise has been prepared; but, as a pioneer effort, it has been made with much hesitation on the part of its author, through a conscious sense of its deficiencies in completeness, and of imperfections in matter. Still, as an effort in a right direction, it is offered to the favorable notice of a forbearing and criticising public, with confidence that other writers, with better facilities, will improve upon it, and perfect a work on Archology which shall surpass the physical sciences for good, as mind surpasses matter.

OAKLAND, CAL., 1876.



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# ARCHOLOGY; OR, THE SCIENCE OF GOVERNMENT.

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## CHAPTER I.

*Archology is the Science of Government.*

DERIVED from the two Greek words, "archo," govern, and "logos," science, its signification accords with the definition given.

*Government is the whole system of control in any particular case.*

"Whole" is used in the definition, because there may be predicated of parts that which is not true of the whole. Government is the whole.

*System signifies all the things under consideration regarded as arranged in some methodical manner.*

A system of control includes both the controller and the controlled; also the laws and the means of control, together with all else involved in considering the subject.

*Control signifies either originating, or directing, or restraining, the action of that which is controlled.*

The clause "in any particular case" limits the word whole to that which is under consideration at the

time. Illustrations of government : That of the sun over the planets ; of instinct over animals ; of parents over the family ; of an officer over an army ; of a king over his subjects ; and of God over the universe. In each specification government is the whole system of control in the particular case ; it includes all under consideration at the time.

ORIGIN OF GOVERNMENT ; OR, WHAT IS THE PHILOSOPHICAL GROUND OR REASON OF ITS EXISTENCE, AS A FACT ?

*Government Originates as a Necessity to the Securing of Ends.*

This statement is proved by considering the facts that ends can be secured only by action. But, in respect to every end, there are always two classes of possible actions : those which would result in securing it, and those which would prevent the securing of it. Hence, to secure an end, there is a necessity of a control to originate, direct, or restrain, the actions possible in the case, according as they would, or would not, result in the securing of the end. Now, the whole system of this control is, according to definition, a government. Therefore, government originates as a necessity to the securing of ends.

*Government Exists as a Means Helpful to its Entities in Securing the Ends of their Existence.*

The word, "entities" is used as the most general in signification to include all of which action or influ-

ence, can be predicated, even such as desires, emotions, etc. It includes all over which control can be exerted.

"Helpful" is used with means, because often government is more than a means. For, as an actor, it often both offers its help, and compels its acceptance.

Inasmuch as government is a necessity to the securing of any end, it follows at once that, to entities, it is a necessity in securing the ends of their existence. In the innumerable variety of actions, all possible to be put forth by entities, affecting the ends of their existence, there are incalculable liabilities for actions to clash with actions, preventing their securing such ends. Hence, to entities, in securing the ends of their existence, as a helpful means, there is a necessity of a government, to control all possible actions, in such a manner that those, and those only, shall be put forth which are adapted to result in securing the ends of their existence.

Illustrations of this necessity: The government of the sun is a necessity to the planets, that the ends for which they exist may be secured. Were such government to cease, they must whirl away into ruin, or dash together in mutual destruction. Among migrating animals, were all government of instinct to cease, incessant clashings of actions with actions would take place, destroying the ends for which the creatures exist, and even the existence of the creatures themselves. So, also, among rational beings, should all rational government cease, and each one act only for himself, merely in accordance with his own will, then in the clashing of

desires of objects to be secured, and in the clashing of means selected with which to secure them, and in the clashing of actions put forth for this purpose, there would follow the destruction of all ends for which rational beings exist. Hence, government exists as a necessity to entities, to their securing the ends of their existence, by so controlling all actions put forth as to insure a harmonious adaptedness in those put forth to result in the securing of such ends.

*Aim or Purpose of Government.*

The examination of the origin of government renders apparent also its purpose, or aim.

*The Aim, or Purpose, of Government is to Enable its Entities to Secure the Ends of their Existence.*

It is not the province of government to secure these ends. It is only a helpful means to its entities, in securing, themselves, the ends of their own existence. They are the agents in securing these ends, while government is only a necessary aid to them in doing this, by controlling actions, which, without it, would be constantly clashing; in the use of means where otherwise there would be continual interferences, while securing ends in which otherwise there would be incessant conflicts. In all this, government is to secure a harmony necessary to the attainment of the ends for which its entities exist.

The government of the sun over the planets is not

for the benefit of the sun, but for that of the planets, as a necessary aid to them in attaining the ends for which they exist. So, also, in the State and nation, the government is not for the benefit of itself, nor for that of the officers of the State. It is wholly for the benefit of the subjects of government, to enable them, each and all, to secure the ends for which they exist.

From this it follows that the scientific treatment of the subject of government consists in the systematic unfolding of its features and peculiarities, as a helpful means to entities in securing the ends for which they exist. But the idea of the helpfulness of a means to an end is generally expressed by the word usefulness. Hence, the origin of government is found in its usefulness to the entities comprehended in it, in securing the ends of their existence, and, also, its aim or purpose is found to be this, its usefulness to entities in securing such ends. In other words, the principle in the case is that *both the origin and the aim of Government are found in its usefulness to the entities comprehended under it*. It exists as a means of usefulness necessary to them, both in avoiding the evils to which they are exposed, and in securing the ends for which they exist.

#### MANNER OF GOVERNMENTAL CONTROL.

*All Governmental Control is through Law.*

A single act, involving no law, if such a thing is possible, is not government, and the control involved in such act is not government. But government is

the whole system of control in the case, and this must be through law.

*Law is a uniform mode of action, so long as there is occasion for uniformity.*

The laws of matter are the uniform modes of the actions of matter, so long as there is occasion for such uniformity. If ever the occasion for the uniformity of a law of matter should cease,—for example, if ever the occasion for the law of gravitation should cease,—science cannot assert that the law would still continue and be uniform. So, in rational government, as in national affairs, if the occasion for the uniformity of a law ceases, no science or philosophy or moralizing can rationally assert that the law will or ought to continue as a law. It may then, in perfect harmony with science, be changed to that for which there is occasion. Hence the principle :

*The uniformity of a law, and the law itself in any government may cease when the occasion for it ceases. Or, whenever in view of all circumstances, usefulness is no longer promoted by the uniformity of a law, that uniformity in any government may cease, and the law be changed.*

Thus, law is a uniform mode of action, so long as there is occasion for such uniformity, and the manner of governmental control is through law. In respect to matter, it evidently can exert a control only through the laws of matter : as, for example, the government of the sun over the planets is a system of control exerted only through the laws of gravitation, light, heat, etc. So the government of instinct in animals is only through



the laws of instinct. So also the government of rational beings is a control through the laws of such beings.

In all cases law is generically the same,—a uniform mode of action, so long as there is occasion for uniformity, and the manner of governmental control is through law.

## CHAPTER II.

## CLASSES OF GOVERNMENT.

*Governments are divided into classes, according to their nature and manner of exerting control.*

Some governments are without consciousness; others involve consciousness and a will, but are destitute of some peculiarities of these; while, again, other governments involve them. Hence, as thus divided,

*There are Three great Classes of Governments: the Material, the Instinctive, and the Rational.*

The rational is again divided into disciplinary and legal, but this division will be considered farther on.

*Material government is the government of matter over matter.*

In this definition are included, under the word matter, all the adjuncts of matter; such as light, heat, electricity, the organizing principle in plants, etc., whatever these may be. Illustrations of material government appear numberless, as that of the moon over the tides; the heart over the circulation of the blood; vegetable life in shaping the growing plant; the wind in controlling the waves; etc. They answer to the definition as the whole system of control in each particular case. They originate as a necessity to the entities involved in them in securing the ends

for which they exist. Their aim is the insuring a harmony of action among these entities necessary to securing the ends for which they exist ; and the manner of their control is through law, the laws of matter, uniform modes of action, so long as there is occasion for uniformity.

*The distinguishing feature of material government is control without consciousness on the part of its actors.*

This statement has reference only to the government in itself alone considered. For there must have been consciousness as necessary to knowledge on the part of the Creator, to give matter all its wonderful capabilities, adaptations, forces, and laws of action. Yet in matter itself there is discoverable not the least evidence of consciousness or knowledge. And being destitute of knowledge, it is therefore without self-directing power, acting only as acted upon in accordance with its laws of action.

#### INSTINCTIVE GOVERNMENT.

*Instinctive government is the system of control exerted under the determining force of instinct. Instinct is an original and conscious impulse to do certain actions without regard to final results beyond the immediate future.*

This instinct is original, because implanted at the origin of instinctive beings in their very nature. It is proved to have been thus implanted, because it is uniform in all of the same species ; unchanged by repetition ; unaltered however objects in the distance may

change ; and unmodified except by immediate circumstances, and even then but slightly. It is without a regard to final results, because it is not changed in view of such results ; and is often intensely active and minutely exact, where, in the peculiarities of the being and the circumstances, it could not have any knowledge of such results. The butterfly, of only a few days' existence, deposits eggs in a manner exactly adapted to the peculiarities of the seasons for months to come, and also to the needs of the hatching larvæ, in conditions of life entirely different from the parent, through various and most wonderful transformations.

There must have been knowledge on the part of the Creator as to the future, in giving the creature the impulse of instinct to act in such a manner adapted to secure needed results far in the future. Yet there could be no such knowledge on the part of the creature itself. Its knowledge is that of immediate circumstances, with, probably, very limited remembrance of the past, but without any conscious reference to ultimate results in the future.

Illustrations of instinctive government are found throughout all the animated world : as in migrating wild fowls, passing over continents and oceans at the proper time to escape the severity of the seasons ; in herds of buffaloes traversing immense regions of territory in the needed direction to secure a supply of food ; in a hive of bees, constructing, with perfect fitness, and with mathematical exactness, their comb, adapted to its purposes in meeting the wants of their existence ; in the ant hill, where every insect, from the

beginning, does with perfection just what is needed to be done; in the bird building its nest; the mole its burrow; the spider its web; and thus on without limit. In all these cases there is an impulse to do that which is adapted to result in distant objects of good, without a knowledge of these objects beyond the immediate future. Their Creator must have known these objects, but not they.

*The distinguishing feature of instinctive government is conscious impulse to action, with a form of will, but without conscious reference to ultimate results.*

Consciousness, with an impulse which may be called a form of will, distinguishes instinctive government from material government. They both are active systems of control, necessary to the entities comprehended in them in securing the ends for which they exist; and operate through laws, uniform modes of action, so long as there is occasion for uniformity. One is unconscious; the other conscious, and with a form of will. But the will is irrational under the control of impulse, and must obey the law of impulse, without reference to final results.

*Will is that in an intelligent being which dictates action, and controls it directly at its beginning as the primal cause.*

Not all the actions of an intelligent being are thus dictated by will, but that which does dictate is the will. Much of thinking is action without will or dictation. Yet the will may assume control and dictate the method and objects of thought, the same as it may

dictate the order of breathing. So, also, the art of willing in a rational being is not dictated. Science, in its limiting ignorance, stops and declares that, as far as evidence goes, the will in a rational being dictates actions, but nothing dictates to it.

While every action dictated by will is directly controlled by the will at its beginning, yet, afterwards, every such action flows onward in single or branching trains of results without limit. After the beginning of action, many other forces may affect and control it more or less continually. But, in its beginning, such action is controlled directly by the will.

#### RATIONAL GOVERNMENT.

*Rational government is the system of control commencing in the will, in harmony with reason, and exerted consciously by, and over, rational beings.*

The word "consciously" is used in the definition, because a rational being often exerts a control of the same character with matter, unconsciously. Only that which is conscious pertains to rational government.

*Reason, as used in this definition, signifies the power, or faculty, which both perceives truths in their different relations, and infers new truths from those already apprehended.*

Truths here signify whatever, as an object of belief, the intellect holds in the belief as truth. And whenever the belief is so clear and positive as not to admit of the least conscious doubt or hesitation in the mind, it is called knowledge. Hence, belief and knowledge differ only in the degree of the intellectual assent,

with which the mind receives their objects as true. Therefore, in this treatise, hereafter, instead of belief and believe, the words knowledge and know will generally be used as the more convenient.

Since a clear apprehension of what rational government is, and an exact definition of it, are of the utmost importance, each portion of the definition here given is separately specified.

In the first place, the governmental control is exerted by and over rational beings—*i. e.*, those possessing faculties for perceiving truths, and inferring new ones from those already apprehended. Hence, government needs to correspond to the wants of such beings, and be modified according to their necessities.

It needs to affect them, not like blind force, as that of matter, nor the equally blind impulse of feeling or instinct; but as a rational force, acting through intelligence, reaching the subjects of government for good. In all its features, and entire influence, it needs to harmonize with their natures as rational beings, and, through truth, become to them a means of usefulness in securing the ends for which they exist.

If rational government should appear to involve, also, creatures of instinct, this is so only in appearance. For, it is in such case, at most, only a mixed government. Because, while on the part of those who exert the control, there is reason, yet, on the part of the creatures of instinct, the control reaches them only through the laws of instinct, and therefore to them it is instinctive government.

In the second place, rational government involves,

on the part of those by and over whom the control is exerted, knowledge of truths, as the basis of all governmental action. Hence, government must correspond with truth, known and to be known. It needs to commence with truth, and proceed with truth, in all its actions affecting its subjects in accordance with their knowledge, and ever add to this knowledge as a means helpful to them in securing the ends for which they exist. Rational government is not an abstract, arbitrary power or reality. The whole system of it harmonizes with reason, and its every feature has its basis in knowledge.

In the third place, rational government involves, on the part of those by and over whom it is exerted, the fact of reasoning, that of inferring new truths from those already apprehended, and of distinguishing truth from error. Hence, government needs to be a help to them in reasoning, in inferring truths from truths, that they may secure the ends for which they exist.

And in the fourth place, rational government involves, on the part of those by and over whom it is exerted, as its great, all-important element, *the will* of the rational being, with all the peculiarities of it. In view of this as the primal element of control, the features of rational government must be most carefully modified, and be exactly conformed to its principles, as an aid to it in its executive capacities, that all action may tend to result in good.

The will has been defined to be "that in an intelligent being which dictates action and controls it



directly at its beginning." In instinctive government the form of will is controlled by impulse; but in rational government *the will is under no control*. For, first, were the will under the control of impulse, it would be an entity of instinctive government, and thus there would exist no rational government at all. Again, were the will under the control of matter, it would be an entity of material government, and again there would exist no rational government at all. Lastly, therefore, if in rational government the will is under control, it must be under that of reason. Now reason, as defined, consists of only two things, as "the faculty or power which perceives truths in their different relations, and infers new truths from those already apprehended." In the first function of reason as *perceiving* truth, it acts only so far as to perceive truths in their different relations; and here its action, as merely perceiving, ceases. It does not dictate and control other actions, to bring them into harmony with its perceptions. It is the function of the will, as defined, to do this—to dictate actions in harmony with, or contrary to, the reason. Again, if the second function of reason be considered—that of inferring truths from others—this is only one action; that of inferring; while after this, after the whole process of inferring truths is finished, there is that of dictating and controlling the actions of the intelligent being, either in harmony or not in harmony with truth given in the inferences of reason. This latter act is that of the will. Now here both experience and consciousness prove that the will is often in opposition to truth and

reason, not in harmony with the decisions of reason, effectually rejecting the inferences of reason, and yielding itself up in obedience to impulse and self-gratification. Thus it is proved that the will in rational government is not under the control either of matter, or of impulse, or of reason, and hence is under no control.

Again, in rational government *the will is itself alone sovereign*. Nothing is practically superior to it. Nothing can, or does, compulsorily control it. Deciding for itself, it may determine action either in harmony with reason, with truth, with right, with good, with benevolence, or it may determine action in opposition to all these, dictating all for self, for impulse, for passion, and for the unreasonable.

Again, in rational government *the will is a free will*. As sovereign, the will is necessarily free, not governed, not controlled by any force or power. It may be persuaded by reason, it may be influenced by impulse, it may be induced by desire, it may be affected by circumstances, but it is itself to decide to yield or not to yield to the influence. As sovereign, it is the only dictating power, free in its actions, going out through a whole system of control, but controlled itself by nothing. Reason is its chief minister, its constant companion, its faithful adviser, and its truest guide ; but itself is alone sovereign and free, the real source of efficiency, the ultimate authority in the case, determining the whole system of control affecting every entity of the government. Nothing exists for the benefit of this will, but it should exist wholly for the

benefit of the entities comprehended in government. To act for itself, called wilfulness, or for others to act for it, or in its place, is a perversion. It, or they, or both, are wrong in such a case. The will, as a free sovereign, is alone to dictate, order, control all others, in view of securing the ends for which they exist.

#### THE MANNER OF THE WILL'S CONTROL.

1st. As to actions, *the will controls the actions by immediate and direct force.* Not all actions, through rational government, are thus controlled by will, since actions result from actions in endless series and combinations; but the will begins actions by immediate and direct force upon the active powers.

2d. As to feelings, *the will controls the feelings by mediate and indirect force.* The feelings are moved only by their exciting causes, which are found in the conditions of things. Hence, the will can reach these feelings, to move them, only by holding before the emotional powers their exciting causes. In this manner, by means of these causes, the will can, and does, control the feelings indirectly. Still it is an effectual control, as truly so as is its direct control over the actions.

3d. As to the reason and belief, *the will also controls the reason by mediate and indirect force.*

The reason as defined signifies "both the faculty to infer and the process of inferring new truths from those already apprehended." But the will can hold before the reasoning faculties such truths as it may select and in such relations as it may determine, so as

to direct the process of reasoning, and in general make certain the decision as to what shall or shall not be believed. Thus indirectly the will controls the reason and the belief. He that will believe an error can generally do it, and he that will receive a truth can probably always do it. The will is as sovereign indirectly over the feelings, the reason and belief, as it is directly over actions. In both cases some things are impossible. In actions, if the will determines a man to jump to the sun, it is impossible. So, as to the belief, if the will determines that the reason shall infer one and one to be three, it probably is impossible. Or that a truly and clearly good mother shall be hated; yes, this in particular cases, might be possible. The will is somewhat limited, but indirectly it is as sovereign over the feelings and the reason, *i. e.*, belief, as it is directly over the actions. Thus in rational government the will is the originating, determinating, compulsory source of all control. It alone is sovereign, free, uncontrolled, but may control all else within that government—the actions, the feelings, the reason, or belief. It may be influenced, persuaded, urged, affected, but it alone is free to determine to yield or not, and all must obey its dictum.

*The distinguishing feature of rational government is conscious knowledge of actions determined upon by the will in view of final results as given in the reason.*

Illustrations of rational government appear almost limitless, as the lyceum, the family, the school, the city, the State, the kingdom of Heaven, etc. In each

there is knowledge of final results, in the securing of ends for which entities exist, with will controlling actions put forth for the securing of such ends. In the family there is the will of the parent; in the State, the will of the executive; in the kingdom of Heaven, the will of God; and the manner of governmental control is through law; uniform modes of action—so long as there is occasion for uniformity—insuring a harmony of action necessary to entities in securing the ends for which they exist.

## CHAPTER III.

## THE THREE CLASSES OF GOVERNMENT CONTRASTED.

IN the distinguishing feature of each class of government is found the single element from which or in which commences the control.

*In Material Government the primal element in which the control begins is matter. In Instinctive Government the primal element in which the control begins is impulse. In Rational Government the primal element in which the control begins is will.*

In the development of the science of archology it is of the utmost importance, that these three primal elements of control be kept clear and distinct in the mind. The mixing or confusing of them with one another, or with other elements, is sure to result in the greatest errors. They are in themselves simple, and in their departments, supreme. They are matter, impulse, will ; unconscious matter ; impulse with consciousness and a form of will ; and will with consciousness, knowledge, reason, desire, impulse, motive, plan, and all else pertaining to a rational being.

Matter, impulse, will ; each simple and supreme in its department, controlling and necessitating all within the sphere of its government.

*The higher government can control the lower through its laws ; never the lower control the higher.*

The instinct of the animal may govern matter and determine its action in harmony with impulse; and this it must do, if done at all, by availing itself of the laws of matter. But matter cannot govern the animal by availing itself of the laws of instinct. Matter, through the laws of matter, may govern the animal as matter, but never through the law of instinct. So also the will of a rational being may, through the laws of instinct and of matter, force the instinct of the animal and all the elements of matter into subservience to the designs of the rational being. But instinct can never recognize anything higher than itself as reason, and thus bring it into subservience to itself for its own purposes. Impulse in a creature of instinct may force the animal into conflict with a rational being and compel such being contrary to his will. But this is done only as one creature of instinct overcomes another creature of instinct, with no reference to reason. The will through reason may take advantage of instinct and govern it for its own purposes, but never can instinct thus avail itself of reason.

*Again, the higher government may lose its distinguishing feature, and descend into, or be supplanted by, the lower; but never the lower ascend to become the higher.*

A creature of instinct may lose all conscious impulse, and become governed only as so much matter. This may result from sickness, or an injury to the brain, and the animal is only as so much matter. So, also, in rational government, the will, as free and su-

preme, may yield itself a slave, in obedience to impulse, to anger, or passion, or selfishness, etc., and the government descend from its rational character, to be only one of unnatural instinct ; an instinctive government of most wretched perversion. Yet in the opposite direction, matter cannot ascend to involve instinct, for it can only act through its own laws, and in those is no will. Neither can instinct ascend to reason, for it can only act in accordance with its own laws. And those laws are only those of impulse, with no reference to ultimate results. Thus instinct can never become reason.

*Again, in case of the descending of the higher government to become the lower, disaster to the entities comprehended in the higher is inevitable.*

The government upon which the entities were dependent, that they might secure the ends of their existence, has turned from its assistance to them, and become subservient to another government, with another class of results. Without their needed government, the entities in their actions must come into unavoidable conflicts ; hence disaster, destruction, death, are the inevitable results.

*Again, in case of the degradation of the higher government to the lower, there is no probability, if there is any possibility, of a recovery of the degraded government back to its original position and character by its own efforts alone.*

When once the impulse of instinct in the animal is gone, and he has become only so much matter, decomposition begins, dispersion rapidly follows, and the



former government of instinct is forever at an end. It has no power to restore itself as it was. The activity of impulse may be temporarily suspended, and the power of impulse remain for a time paralyzed. In this case, when the suspending cause is removed, the impulse resumes again its control. Yet there is no degrading of the government of impulse in this case, only a suspension of it, and when the suspending cause is removed, it merely goes on in its activity as before. But when the power of impulse no more exists, and the whole system has gone under the control of matter, as in death, then the individual instinctive government has ceased, without the least possibility of self-recovery. It is very much so also in rational government. When once the free will, which should have controlled all in harmony with reason, with truth, and the welfare of the entities involved in the government, has ceased its proper restraint of all the activities, and yielded itself a slave to impulse, its sovereignty is practically gone; its freedom is perverted in exercise; its control of actions, which should have been in accordance with reason and truth for good, is now itself controlled by another power, one which has no reference to reason or truth. The previous government is in ruins; its sovereign is in voluntary slavery, and science unfolds in the case no probability, if there is any possibility, for the slave to recover the mastery, and reëstablish the former government. The free will, voluntarily renouncing its control, and becoming obedient to another power, can scarcely revolt against its new lord, correct the ruin begun, and restore to harmony all actions for

the good of those included in the first government. If restoration comes, it must come at least with aid from some other and higher source than that of the government itself alone—a source outside of itself and superior to it—or ruin inevitably must follow.

Again, *only rational government can degrade itself to a lower.*

Material government is as low as it can be. As matter came from the hand of its Creator, so of itself it must remain.

Also, as to instinct, it has no freedom or self-control. Impulse is simply impulse, just such as the Creator made it, and must ever be in exact harmony with its own laws, unchanged by itself, for it possesses no self-modulating power.

But in rational government the primal element of action is will, as to which there is nothing compulsorily controlling it. It may decide for good or evil, for right or wrong; for impulse or reason; for self-gratification or for the welfare of all the entities involved in the government. Hence it has the power to degrade itself and degrade its government from its rational character and objects, involving all in ruin. If it will ever choose reason as its adviser and constant guide, ever aiming at truth, right, and welfare, it may; if it will not so do, but will do the opposite, it can.

In the very necessities of rational government the Creator gave to the will this power, freely to control all for good, or for what involves the opposite; to be true to all excellence, or to degrade itself and the government to a lower character.

Had he not given this power to the will, no rational government could have existed. For a free and sovereign will is the very element, the essential and primal element, of such government, without which such government would not be. Aside from this free and sovereign will—sovereign, as being itself uncontrolled by any compulsory power within its own province of action—there would exist only the two forms of material and instinctive government. Thus there could be none of the higher joys, and dignities, and activities, and limitless progress of the creatures of rational government. The inconceivably higher interests of the universe demanded rational government. And in this was necessarily involved the free will of the intelligent creatures of such government. Hence, there was necessarily involved the power, and even also the opportunity, for the will to degrade itself by deciding actions for that which is not reasonable, not true, not good.

Thus, in rational government, the will, being free, must be able to degrade itself and the government. For the existence of such rational government, involving such power of self-degradation, the Creator is responsible; and if, in the fact of allowing the existence of such government, there is, or was, wrong, then the Creator is to blame. But if, in view of all things forever, it was best that rational governments should exist at all, then, of necessity, in the nature of such governments, the will controlling them must possess the freedom and power to degrade itself and them. They, through the will, are alone the blame-

worthy party for such degradation and consequent disaster. Morally the Creator must do all he consistently can to prevent such degradation and consequent ruin. But there must necessarily be a possibility of its taking place ; and if there be a will to do it, the possibility must become a reality, with all the fearful, inevitable results.

In the truth of the freedom and the sovereignty of the will is involved the necessary truth that there is no power which can reach the will to compel it to be right. Hence, if it wills to refuse the guidance of reason, and to yield itself to impulse and selfishness, it can do so, become wrong itself, and degrade its government in character, whelming all in ruin.

Now the whole object, effort, and benefit of archæology as a science is to aid either in avoiding this degradation, or in recovering from it if it be a reality. Therefore, as the science, in its application to Material and Instinctive governments, is, comparatively, of little importance, and seems easily exhausted, the remaining development of it will be confined to the fuller investigation of the principles and peculiarities of Rational Government.

## CHAPTER IV.

## RATIONAL GOVERNMENT.

RATIONAL government has been defined to be "the system of control commencing in the will, harmonizing with reason, and exerted consciously by and over rational beings." According to this definition, as previously explained, the will, in true rational government, accepts the reason as its adviser and guide, conforms to its decisions, and controls all actions for the benefit of the rational entities involved in such government. But the entities of a rational government are properly called subjects. Therefore, in accordance with the principles discovered in the examination of government as a genus, it follows, in the application of those principles to rational government as a species, that the whole origin and aim of such government are found in the necessities of its subjects, as a means indispensable to their securing the ends of their existence. Its aim is in no manner for itself, but wholly for the welfare of its subjects. Its principle of existence, its virtue and force, consist in the fact of its usefulness as far as possible to them, as a means necessary in securing their own good. *The word good, or welfare, is a comprehensive term signifying all the ends taken collectively for which*

*sensitive beings exist, together with the means by which they are secured.*

In order to secure this good, as a means of usefulness necessary to subjects, rational government exists, exerting, so far as possible, such a control over them that, without conflicting interference, they, in harmony together, may secure their truest, highest welfare. Just in proportion as government is changed from this usefulness to its subjects, it becomes changed from a rational government to be perverted into a form of corrupt instinctive government, under the control of impulse. In this case, being destitute of the regulating restraints and protective guards of a naturally instinctive government, as established by the Creator, the perverted government, as previously shown, must probably become an utter ruin. It has in itself little or no remedial quality, and seems very sure to progress, of itself alone, from bad to worse without known limit.

For the perfect success of rational government, in insuring the real good of all its subjects, there is a necessity of three things :

1st. *That the intelligence of the governing authority shall correctly apprehend the ends for which the subjects exist.*

All rational actions necessarily presuppose knowledge of that for which the action is put forth ; hence the governing authority must know the ends for which subjects exist. Otherwise it could not govern them successfully in securing these ends, or their real good.

2d. *That the reason correctly decide upon the means with which to secure these ends.*

3d. *That the will, in accordance with the decisions of reason, succeed in so controlling all actions, as to secure their harmonious adaptation to result in these ends.*

If the intelligence fails of apprehending the real objects of existence, i. e., the real good and welfare of the subjects of government, disaster must follow. If the reason does not point out correctly the means to be used, and the actions to be put forth, adapted to secure such good, disaster must follow. If the will, as the primal element of control, fails to accord with reason, by yielding itself to impulse, or in any other way fails to control the actions put forth so as to secure an adaptation to result in such good, disaster must follow.

Intelligence, reason, will, must all be correct, and the will must be successful, or disaster must follow. The true objects of good must be known, the true means of securing them must be perceived, and the will must succeed in controlling all actions in a manner adapted to result in their attainment, or disaster must follow, the good of the subjects must be lost, the very objects for which alone government exists not be secured, and evils incalculable be the result.

*Knowledge, plan, and execution, must be right, or disaster follows.*

The word right is one of frequent use in rational government. It is of the greatest importance that its exact signification be understood. Perhaps no other

word is so differently regarded by able men as to its real meaning.

The word right has generically only one signification, yet specifically it has, in practice or in common use, two.

*Generically, as an adjective, right signifies adapted to the end designed in the case.*

A garment is made right when exactly adapted to the end designed in the making of it. A plow is made right when exactly adapted to do the thing designed in its making. A good man does right when acting in a manner adapted to result in the welfare of all. Adaptedness to a designed end is the generic meaning of the word right, used as a noun. But, specifically, the word has two significations, called *Moral right, and external or Practical right. Practical or external right is adaptation in external action or thing to ends designed in the case. But Moral right is adaptation in the motives influencing the will to the great ends of all existence.*

However moral philosophers may attempt to bring out other meanings of the word right, yet, in an executive sense, as in rational government, these two are the only significations in which it is used. Government and law have no reference to any right, except in motive and in action, in design and in thing, moral and practical.

External or practical right has no reference to the actor, but only to the action, or external thing as adapted to an end. But moral right has entire reference to the actor as influenced by a motive adapted to promote



the good of all. *Motive signifies either an object of desire, or the desire of an object ultimate in the particular case, influencing the will.*

This motive is only an influence upon the will, not a necessitating cause to it; not a compulsory force. The will, as the primal element of control, is to decide or dictate action in the case; yet motive is a strong inducing influence. When this motive is the universal good of all, then it is adapted to the great ends of all existence; *i. e.*, to the highest welfare of all, and is right. The rational being is right in *motive*, and is *morally* right. Moral has always reference to motive. Moral truth is truth in reference to motives. Moral law is law in reference to motives. Moral right is right in reference to motives. Moral obligation is obligation in reference to motives. Moral good is good in reference to motives. So the opposite of these, moral wrong, moral error, or moral evil, etc., all have reference to the motives.

Illustrations of practical right have been given. Yet, in addition, a locomotive is made right when exactly adapted to move both with safety and with power along the track. A book is bound right when the best adapted to the end for which a book is bound. A house is built right when the best adapted to the ends for which a house is built. And a ruler rules right when so ruling as the best to promote the good of his subjects—the one true object of ruling.

But moral right refers to the innermost, secret, influencing, design of the rational being; a design which is the ultimate aim of the actor in determining upon

the action. The man whose motive is constantly to do that which is for the highest good of all, and therefore chooses the perfect law of right in all his dealings and actions, is morally right, even though, in necessary ignorance, he may fail of doing the good designed in particular cases. His motive is right, and hence he himself is morally right.

If a rational being possessed knowledge so as unerringly to know the results of all actions possible for him to put forth, then, in his case, moral right and practical right would perfectly harmonize, and always coexist. For perfect moral right, or the motive of universal good, would insure, through his unerring knowledge, the choosing of perfect practical right, or the actions adapted to result in the highest good of all. There exists only one such being, the one Creator and God over all, infinite in knowledge, righteousness, and power. With Him perfect moral right and perfect practical right must always coincide and harmonize.

But in the case of every finite being these two species of right may coincide, or they may conflict. Hence, *in the case of every finite being an act may be at the same time both morally right and practically wrong ; or it may be both morally wrong and practically right.*

If a rational being, with the evil intention of murder, so strikes his victim as really to open an otherwise fatal abscess and thus saves the man's life, the man, restored to health, would say, "The knife was struck just *right* to save my life;" but the decision of a righteous jury in the case would be, "The intentional assassin

was morally wrong, and is guilty of assault with intent to kill." Again, a company of good and experienced surgeons may be morally right in an operation involving an unperceivable difficulty, so that a life be lost. Practically there was an error, a wrong; yet they were morally right, free from all blame or guilt. *In all things every rational being ought to be morally right.* He ought in all things to have the motive of promoting, to the utmost of his ability, the highest welfare, the truest good of all sensitive beings. This is moral right, a right in motives. Still *every finite being is, of himself, and ever must be, liable to practical wrong.* Since practical right is external to the actor, in the condition of things, and in the tendency of actions, he, the finite being, is, through ignorance, constantly liable to failure in this right, and thus to do practical wrong because of the limited character of his powers.

*This failure of the finite being in practical right may originate in part, or in all, of three things: in want of knowledge, want of will, or want of power.*

He may know the right and will to do it, but fail in power. He may know the right and have power to do it, but fail in will. He may have the power and the will to do it, but fail in knowledge. In case of want of power, or want of knowledge, if this was unavoidable, the rational being, when influenced by a right motive, is morally right, though failing of practical right in the case, and so doing practical wrong. But in the case of the failure of the will, when there is knowledge and power, then there is moral wrong in

the case ; there is a wrong motive, and the being is in character morally wrong. Then, when the motive is wrong, the will will be wrong, leading to wrong actions in practice, or to practical wrong. Hence, *in moral wrong is involved all wrong, both moral and practical*. For in this case the will is refusing the guidance of reason, and is yielding itself to the impulse of selfishness, in conflict with reason, with truth, with good. In this case, the more the will yields itself to impulse, the more the efficiency of reason to influence the will diminishes, and the ability of the will to control the feelings and actions in harmony with reason weakens, while the power of impulse to control the will increases, with little or no saving laws of restraint.

Thus the being becomes more and more perverted from a rational being into a being of unnatural instinct, under the power of selfishness, envy, jealousy, anger, malice, revenge, and every evil passion, in conflict with all the real welfare of others, and of all future good. The will is wrong, and is becoming more and more wrong, and the whole nature of the being, of himself alone, is changed into greater and greater wrong. Now there is very little probability, even if there be any possibility, that the moral being, thus perverted in nature and character, will, alone of himself, recover from his moral ruin, and the reason regain its influence over the will as its counsel and guide, and the will again recover its control over the feelings, the intellect and the actions, to bring all once more into harmony with immutable right.

All these facts illustrate and make more evident the necessity of rational government as a means indispensable to rational beings in securing good. It is necessary to the individual himself, in all the activities of his being, through all his existence. It is necessary in the family, and in every association of numbers, to securing the good ever to be attained by such associated numbers; necessary to societies, to cities, to States, to the universe of rational beings, and ever must be so. It is necessary to them as a great, helpful means indispensable to them in their very nature as finite beings, and in the constitution of things, to their avoiding the evils to which they are liable, and to the securing of the good possible to them throughout their course of existence. This still more will appear in the succeeding chapters.

## CHAPTER V.

## THE MEANS OF GOVERNMENTAL CONTROL.

WHILE the manner of governmental control is always through law, *The means of governmental control in rational government are two. They are instruction, and compulsion, or physical force. Instruction signifies the imparting of knowledge, or the communicating of information, to another.*

In supplying the wants of subjects so that they may secure good and avoid the opposite, as unfolded in the previous chapters, government becomes an aid to them, first of all, by giving information as to objects of good to be secured, the means to be used, and the actions to be put forth for this purpose, together with what must be avoided. This is the first and great work of government, and consists of the instruction government must give its subjects. This it may give in any manner and by any means consistent with good, it may judge best. But its one great, and necessary instrumentality for this purpose, and the one which peculiarly affects all other means, determining their matter and manner, is law. *Through law is given, by government, instruction necessary to its subjects in securing*

*their own real good, i. e., the real ends of their existence.*

Law is designed to be the specification of those uniform courses of action which the government is supposed, from its superior opportunities, to know to be best for the subjects to put forth; and hence it instructs them by giving them information in the form of law. So also as to what they are to avoid it instructs them by prohibitory laws. This is only one element of law. A second is involved in it as essential to its existence.

For, instruction is not all which is necessary to subjects. They need also protection against those actions which tend to the destruction of good, and against those who will to put forth such actions. This protection on the part of government is given its subjects in connection with law, and is involved in it as an element, so that without it law would be no law. This element of law is the obligatory.

Hence *The essential elements or qualities of law are two, the instructive and the obligatory.*

While, as instructive, law is designed to present that which is necessary to be known by subjects in securing good; as obligatory, it is designed to bind them to conform to it. Hence, as a full definition, *Law in a rational government is an authoritative, required, mode, or rule, of action, made obligatory upon the subjects, and uniform so long as there is occasion for uniformity, as judged of by the law-making power.*

This definition is designed to include every variety of law in rational government, both the erroneous,

the bad, as well as the good. A generic definition must do this, or else it is defective. Thus the words authoritative and obligatory as here used do not include the ideas of any supposed abstract duty, or obligation, or moral binding, or whatever other word writers on morals have attempted to use, expressing something they have generally called inexplicable, or incomprehensible. These words here, in this treatise, are designed to express only that which the government through its law-making department, and its legal executive, originates, in the making of its laws, and in the enforcing them upon its subjects. They signify, that which is true both in an erring government as well as in a perfect government. Hence, authoritative does not include the idea often connected with it of a right to command and enforce obedience. This idea is involved in the phrase "made obligatory." Therefore in this definition *Authoritative signifies simply possessing sufficient evidence of truthfulness in the character of its author. Required signifies, that obedience is commanded.* Though sometimes law appears in the form of permission, yet it is a command, commanding no interference with him to whom the permission is given.

*Made obligatory* by government is necessary to law, to its being law, in distinction from being mere advice. For *Advice is information given in a manner expressing the author's opinion that it would be best the information be chosen and put into corresponding practice.* Yet this advice possesses in itself no legal or governmental obligation, and he to whom it is



given, is at full liberty to conform to it, or not, in practice.

But law is more than this. In its nature, as an element of it, it is made obligatory upon the subject to conform to it and obey. And, *That which makes law to be obligatory, distinguishing it from advice, is its sanctions, i. e., its punishments and chastisements.*

Rewards for obedience to law are not sanctions, and true law never justifies or uses them. Rewards are only right where, either, there is done beneficially more than law requires, or else as an estimated remedy for evils which are liable to be suffered in the execution of law. The aim and true operation of government are, so to control all things as to enable subjects to secure real good. And when a subject yields to the helpful, needed, control of government, by obeying law, and thus really secures his own good and the good of others, verily, he does not deserve, and should not receive, a reward for it. Indeed, the reward, if any, should be on the other side, and he reward the government for its so necessary aid in his securing his own and others' good.

Thus law, to be law, involves, as sanctions, only punishments and chastisements.

*The Sanctions of law are some species of suffering, threatened or inflicted upon the transgressor, on account of his transgression, rendering obedience to law sensibly obligatory, upon the subjects of government.*

The sanctions of law are sometimes called the penalties of law. But as penalty signifies the specifi-

eration of suffering, while both punishment and chastisement generally signify the inflicted specifications, these nice distinctions are not deemed necessary, and penalty is never used in this work.

Now it is very important to observe that while the sanctions of law give to it its element of being obligatory, *i. e.*, its quality of binding the subject to obey, yet they are not presented by the government as objects of fear, to insure obedience through the impulse of terror like an instinctive government. They are presented as evidence, as testimony, as proofs, of truth, which the subject needs, and are addressed only to the reason of the truly rational being. While they are thus evidence, they also act as a protection against the actions of those who wish, or will, to violate the laws of the government, and thus involve all in the danger of suffering the evils consequent on disobedience.

*Hence, in their nature the sanctions of law are instructive and protective.*

They are instructive to all the subjects of government, and are protective to the obedient.

For a clear understanding of these two qualities of sanctions of law, it is important to examine them separately, the instructive and the protective, as in the next chapter. But before proceeding to the fuller examination, it is well to epitomize the facts of this chapter by the following forms:

Rational government is instructive and compulsory, through law. Law is instructive and obligatory, through sanctions. Sanctions are instructive and

protective through themselves. By their first element they address themselves each to the intelligence and reason of the subject, communicating information. By their second element they attain, in their different ways, the good to which they are specifically adapted.

## CHAPTER VI.

## SANCTIONS OF LAW.

It has been stated that, in their nature, the sanctions of law are instructive and protective. Considered first, as instructive, *The sanctions of law are the legal evidence of the importance of law, and by their magnitude express the magnitude of that importance.*

A being, to act rationally, must act in view of truth, presented to his reason, through the evidence of it. Hence, in order that the subject of government may act rationally in his obedience to law, he must have the evidence of the law, and also of its importance. Yet, being only as one of the vast numbers of the subjects of government, he, in his limited circumstances, cannot, from natural reasoning, and from personal observation, so comprehend the various results and bearings of actions on his own good and also the good of others, as to select without failure the right course of actions adapted to result in the good of all. But the government, from its greater opportunities, is supposed to be able to make this selection for him, and, through the law-making department, it does this, expressing, in the form of law, its opinion of what is right, and of how great is its importance.

Therefore the subject must uniformly depend upon

this expressed opinion of government as to the importance of law and obey it accordingly. Now the opinion of government as to the law and its importance, is legally expressed by the sanctions which the law-making department attaches to the violation of law.

Therefore these sanctions of law are to each subject of government the legal evidence of law and of its importance. Without them he could have no such evidence, and the so-called law would be to him only as advice, for him to adopt or reject at his option. But in the sanctions he has the evidence of the law, and of its importance, given him in the expressed opinion of the law-making department of government.

These sanctions thus become to him of vast importance as a rational being, just equal to the importance of his having evidence at all in the case. With this evidence he may rationally act in his obedience, and, by obedience, secure his own good and that of others: without it, irremediable evils are certain. This supposes that the government is right in its opinion as expressed by law and its sanction, and the confidence of the subject that the law is right and for the best good of all, will be in proportion to his confidence in the ability and righteousness of the government.

Now to the rational subject of government, *The magnitude of the sanctions of law expresses the magnitude of the importance of the law. Or, The sanctions of law are the measure of the importance of law.*

A law, to be truthful, must have sanctions of a

magnitude equal to its own importance, or else they, the sanctions, as evidence, belie the truth. Laws of great importance, to be truthful, must have great sanctions ; laws of medium importance, medium sanctions ; laws of little importance, little sanctions. If the sanctions of law are small, when, in reality, the importance of the law is great, they falsify the truth, testifying that the law of great importance is only of little importance. So also if the sanctions of law are great, when the importance of law is small, they falsify the truth, testifying that the law of little importance is of great importance. The sanctions of law, and its importance, must correspond, or the evidence in the case is erroneous, leading the subjects of government into error, certain to result in disaster, the very thing government exists to prevent.

In practice this principle admits of modifications in view of other considerations, yet, of itself, the principle is true.

*When the subject of government, approving of law in view of its importance, as proved by its sanctions taken only as evidence, not as objects of fear, chooses obedience to the law, he is acting rationally, and is morally right.*

But when, disregarding the importance of law, he fears its sanctions only as objects of terror, then, though he may, in external action, obey the law to escape suffering, he yet is morally wrong in his very obedience, for his motive is wrong, and he deserves moral condemnation.

Again, *The sanctions of law are also the legal evi-*

*dence of the criminality, or badness, involved in transgressing a law, and of the degree or magnitude of that criminality.* The crime of violating a law is in proportion to the importance of the law, while the importance is in proportion to the welfare, the true good, which the law is designed to protect and insure.

As the sanctions express this importance of law, so also, in the same manner, they express the criminality of transgressing that law. Thus the crime of transgressing a law of little importance is little in degree; one of medium importance, medium in degree; one of great importance, great in degree. The crime of violating a law and the degree of the crime, are expressed by the sanctions of law. Hence these sanctions, to be truthful, as evidence, must correspond to the crime in magnitude. If great crime were expressed, in its evidence, by little sanctions, these would belie the truth, testifying great crime to be little. So if little crime were expressed in its evidence by great sanctions, these again would belie the truth, testifying the little crime to be great.

The sanctions of law must be truthful. Crime, and the legal sanctions, expressing that crime, must be in proportion, or the sanctions are wrong. Thus the sanctions give instruction, testifying by their magnitude, to both the magnitude of the importance of law, and also to the magnitude of the crime of transgressing the law. The great principle in the case is as follows: Little importance, little crime, little legal sanctions; great importance, great crime, great legal sanctions; finite importance, finite crime, finite legal

sanctions ; infinite importance, infinite crime, infinite legal sanctions. Such are the proportions in archæology, such the truth, and such the necessities in reason, or else, in the legal evidence, there is error ; a falsehood ; a lie. Truth cannot lie ; and a true rational government must express, by sanctions, truthfully, the real magnitude of the importance of law and also of the crime involved in transgressing the law.

*When the subject of government, with the motive of avoiding crime, through abhorrence of it as bad, takes the sanctions of law as the evidence of the crime of transgression not as objects of terror, and avoids the crime by obedience, he is acting rationally, and is morally right.*

But when, through fear of suffering, he avoids the transgression of law to escape the pain, *solely* as an object of terror, he is wrong in motive, and is thus a moral transgressor even in his obedience. There is also another principle in respect to crime, which is in exact harmony with the previous one. This is, that *In any particular government, the crime of transgressing law, is in proportion to the authority of that government, and the sanctions of law are the measure of that crime.*

The crime of transgressing law in a government of little authority, as that of a voluntary lyceum, is little in degree, and the sanctions of law are correspondingly small, perhaps only a vote of censure, or expulsion from the association. But the crime of violating the law of the family which is a government of higher authority, is greater, and the sanctions of law



measuring the crime, are greater. The same is true in the city, the State, the general government, etc. As the authority of the government rises higher and higher, the crime of transgressing law is greater and greater in degree, and the sanctions of law are proportionally greater. Now were a fully competent rational being, from a world of superior intelligence, to assume, rightfully, the government of the whole world as a united kingdom, the crime of violating a law of that government would be yet greater, and the sanctions of law in the case would be greater. Once more, if the authority of the government of the Creator of the universe is infinite, then the crime of violating law in that government is infinite, and the sanctions of law, expressing, or measuring, that crime, must be infinite.

The sanctions of law in a truly rational government must be true, giving, as evidence, truthful testimony as to the importance of law and as to the crime of transgressing law. Then the rational subject can take those sanctions as evidence of the importance of law, together with that of the magnitude of the crime of violating it, and rationally obey the laws of the government; not as the law of a tyrant; not as the law of a feared compulsory power; not as law which he would reject if he could yet cannot; but as the direction of a most truthful, sympathizing, loving, capable and necessary helper, to him and to all concerned, through the whole government: a helper, kindly and truthfully, pointing out the mode of action necessary to their securing their own best good, their real welfare.

In this manner law and the sanctions of law become incalculably beneficial to the obedient subjects of government, necessary, in the nature of things, to their good, instructing them as to the real and only manner possible in which they can secure the ends for which they exist. Thus the sanctions of law are first instructive ; but secondly they are also protective.

*The sanctions of law are protective, by protecting the obedient from the evils consequent on the transgression of law.*

In the freedom of the will of rational beings, there is immense danger that some subjects will not obey law upon which depends the welfare of all, and thus both themselves and all others become involved in incalculable evils. But the sanctions of law protect against these evils, and in three different ways. First, by preventing them, through means of their giving evidence of the importance of law and of the badness of transgression ; with some proper influence also as evils like others to be avoided. Secondly, by being a terror to the evilly disposed, preventing their transgression of the law ; and, thirdly, by so confining or affecting the transgressor, as to prevent the repetition of transgression. Thus the sanctions of law are instructive and protective ; instructive as evidence of the law and of its importance ; of crime and of its degree ; protective, as protecting the obedient from the evils of transgression, by their instruction to all ; by their terror to the evilly disposed ; and by their confining, or so affecting, the transgressor that the act of transgression may not be repeated.

## CHAPTER VII.

## A FULLER CONSIDERATION OF LAW.

IN rational government, the historical origin of law is found in the law-making department of government.

But, *The rational origin, or reason for the existence of law, is, that it is a necessary part of government in enabling subjects to secure the ends for which they exist.*

Since ends can be secured only by putting forth the proper actions adapted to result in securing them, it is necessary that subjects should know those actions which are adapted thus to result. *Law is designed to express these actions that they may be known to subjects.* But not all actions can thus be expressed by law, for in the endlessly varying circumstances of existence, there are, and must ever be, endlessly varying and particular actions put forth, which cannot be pointed out in the form of law by government. These must be decided upon by the subject himself in the exercise of his own reason. Still there are uniform principles of action involved in all cases; and often uniform trains of actions, as well as uniform actions themselves to be put forth, or else objects of good must be lost, and great consequent evils suffered. *Law is designed to*

*express those principles and trains of actions, as well as the actions themselves, which can be expressed by rules.* A rule of action is the expressed, or apprehended, mode of action, and hence the term rule is more generally used in rational government.

In conflict with actions tending to result in good, there are many possible ones tending to prevent the securing of such good. *Law, by prohibiting these actions, is designed to prevent their being put forth to the injury of the subjects.*

Law, as a uniform rule, is designed to express those actions which can be expressed as uniform, requiring the right and forbidding the wrong. The subject of government is to accept of this law as an immensely important help to him in securing good for himself and for others ; but not as his direct guide with no exercise of reason on his own part.

*For, an intelligent being in acting rationally, has only one direct guide in selecting what is right, and in avoiding what is wrong. This one direct guide is his own reason.*

But, in his limited knowledge as a finite being, he, in the vast majority of cases, is under the necessity of accepting the indirect guide of another's reason. Still, in this case, his own reason is his direct guide, for it must determine whether he can repose confidence in the reason of the other, so as to accept of it as indirect guide. *Law is the authoritative expression in a particular case, of another's reason as to what is right, and what is wrong, in action, and that other, in this case is the law-making department of government.*

No two or more beings can come into any relations to one another without the certainty of more or less diversity and conflict of feelings, impulses, choices, beliefs, purposes, actions, and so forth. A harmony of objects of choice, and of the means with which to attain them, and of the actions put forth for this purpose, is necessary, or else a failure of the objects desired, and of all real good, is certain to follow, while, also, the consequent evils must be suffered.

*Laws in rational government are the uniform rules of actions designed to insure the harmony of all these things to result in securing good.*

Without law, such harmony is impossible ; but with law, originating in a fully competent law-making department, and with a fully efficient executive, such harmony may be secured, and thus the securing of the real good of subjects be rendered certain to the obedient.

Throughout the whole system of government — and this must extend as far as relationship extends — the welfare of each subject is so involved in, and identified with, the welfare of each and all the others, that the welfare of one can be secured only in securing also the welfare of all ; and the welfare of all can be secured only in securing also the welfare of each. Hence, in order that any one may, of himself, unaided, secure his own real welfare, he must know not only the results of his actions affecting himself, but also the results affecting all others.

In his ignorance this is impossible. But if it were not so, and he did know all these results, still there

would also be a necessity that he both will exactly the right actions adapted to result in good to himself and all others, and also succeed in putting forth just these actions at all times and no others, or else again the good must be lost and all evils follow.

But there is yet a still greater difficulty, for all this must be true also of *every individual* of the whole system, or the good of each and of all must fail to be secured, while evils beyond all conception must follow.

Here absolute certainty on certainty accumulates, that every finite being of himself alone must fail in this knowledge ; that he probably will fail in this will ; that also he must fail in power, and entirely fail of succeeding. Then, in his failure, are involved the failure of his own good and the good of all the others, together with the suffering of the untold consequent evils.

These evils, in case each one were to act only on his own responsibility, would rapidly increase, and in fearful ratio, because of increasing wrong actions put forth in the excitement of suffering ; in the arousing of intense feelings ; in the enraging of angry passions ; in the clashing of believed interests, objects of desire, and plans, with no possibility of a remedy, if each were to act only as guided alone by his own unaided reason.

To avoid such evils, laws as a necessity are established, and enforced by the power of government. They are indispensable in the securing of good.

Laws are, to subjects, the expressed decisions of the reason of government through the law-making depart-

ment unfolding, authoritatively, and obligatorily, the objects of good consistently to be secured; the means safely to be used in securing them; and the actions harmoniously to be put forth adapted to result in the securing of them. Thus through government, as an efficient aid, by means of law, those who choose obedience may secure real good, even all ends of their existence. This is on the supposition that the government is certainly right in all its qualifications and requisitions.

*In every rational government there is a necessity of the giving of explicit and positive law to subjects by the government.*

This is evident from what has just been said. If subjects are, without law, left to the inferences of their own reason alone, they must inevitably differ in their judgments, wills, choices, feelings, impulses, and actions. The consequence must be unavoidable clashings in their selection of objects to be secured, in their choice of means with which to secure them, and in actions put forth for this purpose. In these clashings, necessary to subjects when left to their own reason alone, there arises the necessity that government, through express law, instruct the subjects and enforce obedience to insure the harmony indispensable to the securing of good and avoiding of evils in the case.

Thus law in rational government must be positive, direct, and expressed, not left to be inferred. The giving of law may be called promulgation, revelation, command, edict, or anything else expressive of the idea, and it may be made known by words, or signs,

or even looks, and this be through personal presence of the supreme official, or through authorized heralds, messengers, teachers, or books, or through any other means the government may select; yet it must be done by the government itself as express law from it to the subjects.

Not by any means is it necessary that every thing or action should be specified by law. This is impossible. But as to the great uniform principles of actions, and the uniform classes and trains of actions, there must be expressed law. The government must directly instruct and compel obedience through law, which shall directly instruct and be obligatory by means of sanctions, which shall truthfully instruct and protect the obedient subjects through themselves, and thus there be secured a harmonious adaptation of all things to result in the securing of good.

Moreover, when laws have been directly given, *It is necessary that government protect the laws from any alteration or corruption to which they may be liable.*

For the very object of law, in its first great element, of being instructive, is to give information to subjects for their good, where otherwise they are ignorant. Hence, if the law becomes altered or corrupted, the subjects, in their ignorance, cannot determine the true from the false, the original from the corruption, *i. e.*, they cannot do this from reasoning upon the nature of things in the case on account of their ignorance. Therefore, government must itself preserve its laws uncorrupted and clearly distinguished



from any unauthorized change. To preserve its laws pure is as necessary on the part of government, as it is to give them at first. And, if any subject uses as authority a known corrupted law, where the true cannot be clearly and definitely distinguished from the corrupt, he is insulting the government under which he is assuming to act, and offering an outrage to his fellow subjects. He should be judged criminal by the courts of justice.

*In Rational Government there is a necessity that the law originate in a department possessed of the greatest knowledge, and of the greatest benevolence.*

The reason of the law-making department of government, expressed through law, must be the indirect guide of the subject, and this law he, in his reason, is to accept, because of his confidence in the government. But if the law-making department fails in knowledge, so as not to be able to specify the right laws, or if it fails in its benevolence, so as not to choose laws designed for good, the subjects must be involved in disasters. But with the greatest knowledge, and the greatest benevolence, *i. e.*, choice of good, there is a certainty of the best laws possible, insuring the greatest good to the subjects. In this case, the subjects will possess the best possible guide for their reason, in the reason of the government expressed to them by law.

*In Rational Government there is a necessity of vigor of will to enforce the law, and also of power on the part of the executive.*

The enforcement of law depends entirely on the will and the power of the executive. If he fail in will or in ability, the laws fail in the essential element of "being made obligatory by government," as defined ; so far it fails to be law, or is only dead law, and so the good designed to be secured through it must be lost and all consequent evils be suffered. In all rational governments there is liability that some will not obey law, and thus involve all in the danger of suffering untold evils. Government is pledged to the obedient to protect them from a repetition of the danger from those evilly disposed. For this purpose the executive needs vigor of will and ability to execute the law.

Thus law in rational government is necessary to the good of subjects ; it must be expressed directly and positively by the government ; it must be preserved by the government from unauthorized alteration and from all corruption ; it is educative to all, and is protective to the obedient ; and it needs on the part of the government the greatest knowledge and greatest benevolence, with proper vigor of will and power for its enforcement.

If the law-making department of government and the executive together are possessed of perfect knowledge, perfect benevolence, perfect will, and perfect power, then there is a certainty that, to the obedient, there will be no failure in securing the highest good possible in the case. There can be only one such government, and this that of the infinite Creator. In all finite governments there is, and always must be, lia-

bility to failure, and consequent evils to follow. This failure may be approximately avoided, by each inferior government seeking the rational aid of higher governments up to the highest. But this last fact is to be still more fully considered under its proper head.

## CHAPTER VIII.

## RIGHT OF GOVERNMENT TO ENFORCE OBEDIENCE TO LAW.

*The right of government to enforce obedience to law is involved in the principles of goodness, benevolence, and beneficence, as a necessity for good.*

Without government, as previously seen, subjects, through their failure of one, or all, of knowledge, will and power, must become whelmed in suffering; in wretchedness, ruin, death. With fully qualified government they may escape these and secure true and permanent good. Hence goodness, benevolence, love, demand obedience to government and justify the application of any compulsory force to secure it and defeat the schemes of the disobedient and evilly disposed.

*This involves the right of using any compulsory force whatever in the support of government and the execution of law, enforcing obedience by the infliction of its sanctions upon its violaters.*

The sanctions of law are species of suffering, threatened or inflicted, upon the disobedient for specific objects of good. But in the infliction of the sanctions of law, there is doubtless not so great suffering, as the actions of the disobedient are adapted to pro-

duce, without government, both to themselves alone, and also to all others. In the infliction of these sanctions the government relieves and protects the obedient from the threatening evils, restricting suffering to those who will to produce it by their course of wrongdoing.

Therefore, the government, by the enforcing of obedience, is doing the very greatest kindness possible in the case, removing suffering from the obedient, and diminishing it to the disobedient, so far as is consistent. The restricted suffering of the sanctions of law, by the disobedient, are doubtless less than would be the unrestricted sufferings even by themselves alone, to say nothing of those of others, without the inflictions of the sanctions, so that even to the disobedient themselves, the government is acting more kindly than it would be, were it not to inflict the sanctions. Moreover,

*In this is exemplified the common principle of benevolence. That in the alternative of one or the other of two absolute evils, it is right to escape the greater by accepting the less.* For, in the enforcement of the sanctions of law, there is an escape from the immensely great suffering of all, by inflicting deserved suffering upon the evilly disposed, who in this case endure, even for themselves, doubtless, only part of what they must suffer if there were no such enforcement, and hence no government.

*There is also a principle of Liberty involved in the case.* For, in government, each subject possesses the means, by obedience, of securing for himself and for

others, the very highest possible good. So also, by disobedience, he possesses the means of whelming himself in great evils and suffering. Now there can be no greater personal liberty than to do, and receive, what one wills. Therefore, in accordance with this idea of liberty, no one can reasonably complain of government, if it insures to each subject what he wills. If he wills to secure good to himself and to others, he has the liberty, by obedience to law, to do so ; while the government is with him to insure this good in a manner the very highest possible in the case.

But if one wills to produce evils to himself and to others through the means of disobedience, he has the personal liberty to do so to himself, only that his liberty must not extend to interfere with that of others who choose, by obedience, to secure good ; and government is with him to insure to him, in part at least, the evil he wills by enforcing upon him the suffering necessary in the case for the good of others.

The common and probably generic meaning of liberty is, "the opportunity to do as one wills to do." It does not mean that it is right so to do, but only that he has the opportunity, without restraint. Now if one is not restrained from doing evil, and has the opportunity to do so if he wills, he certainly has a kind of personal liberty in the case.

The manner and kind of the resulting suffering in its effect upon the evil-doer, are changed by government in order that the liberty of those who choose to do right may not be interfered with. This modification is a necessity that the liberty of the good may

not be destroyed, but does not destroy the liberty of the wrong-doer to receive evil which he wills.

Government, by its power, insures, as far as possible, to each free agent and subject, that, in principle, which he wills to secure ; good to those who will to secure good, and evil to those who will to secure evil, only modified in the forms of the evil in view of the necessities of good to those who choose good.

If it is said that no one wills evil, the answer is that, if a rational being directly wills a means, clearly knowing the end ; if he wills an action clearly knowing the result ; legally, he is held as having willed the end and the result itself, so as to be responsible for it. Now the rational subject of government knows that obedience will result in good ; that disobedience will result in evil. He knows that this is so, not merely because such is the law, but that this is true in the nature of things before the law said so, and therefore that the law says it.

Hence, if he wills disobedience, he legally wills clearly the resultant evil. It is in accordance with a form of liberty that he should have, and suffer, the evil he thus wills. Government modifies slightly this evil to him as a necessity so that his liberty, badly used, may not interfere with the liberty of those who use theirs for good.

This principle, even without others which tend to the same conclusion, would probably lead to the inference that, in a perfect rational government, those subjects who will choose evil by willfully practicing that which leads to suffering, must be separated from those

who choose good, and be placed by themselves where they may receive for themselves the evils they choose without interfering with the others; while those who will choose good by obedience to law, shall be by themselves where they may receive, and communicate to others, all the good consistent in the case, without interference from those who will that which results in evil.



## CHAPTER IX.

## GOVERNMENTS ABOVE GOVERNMENTS NECESSARY.

VARIOUS governments sustain to one another relations the same as individuals. In these relations they, like individuals, need a higher government to secure among them harmony in their desires of objects, in their choice of means for securing them, and in the actions put forth for this purpose. Hence the principle :

*Whenever two or more governments on an equality come into relations to each other, there is a necessity to their securing the ends for which they exist, that there be another government properly called the Higher, to control them as its subjects.* As easily can individuals exist and secure all real good without a controlling power to prevent conflicts and insure harmony in their activities, as can governments thus exist, each acting only as it sees fit to act in securing its own good, with no controlling power.

There must be such a controlling power, and its whole system of control is, according to definition, the government in the case, higher than the others, inasmuch as it is over them.

And the necessity of such higher governments over the related governments, originates in facts the same with those of other governments, viz., that, as they

are finite, or limited in knowledge, in ability, and in will, there must inevitably be among them, of themselves alone, clashings in their desires, and choice of objects, in their use of means to secure them, and in actions put forth for this purpose, resulting in incalculable evils, unless there be over them a governmental control to correct all this, and insure the harmony necessary to their securing good.

Individuals, in their varied relations, are united in families, and in society organizations ; each a government in its system of control. Families are united in districts, wards, cities, etc. ; each a government in its system of control. Cities are under States ; States under nations ; and nations under a more or less perfect system of treaties, balances of power, international laws, etc. ; in all which cases the system of control is the government in the case.

Thus from the individual upwards, governments above governments appear, up to the highest ; all originating, so far as principles are concerned, as a necessity to the securing the ends of existence, or real good.

Moreover, in this series of governments there are involved, identically, the same relationships and necessities of each higher government towards the lower, as are found in a single government towards its individual subjects, *i. e.*, the higher government must be, to the lower under it, instructive and compulsory, through laws, which again must be instructive and obligatory by means of sanctions, while these must be instructive and protective through themselves.

Also, in this series of governments, there is the

same liability to failure and disaster as in the single government, over individuals; a failure through want of knowledge, want of will, and want of power. In the failure is involved a failure of good, and the suffering of consequent evils. Such results are inevitable in case of the failure of either the three necessities to success, to be avoided only through the successful control of the higher government over the lower.

Hence in the series of governments above governments, if the series ever ceases, in a government of limited knowledge, will, or ability, there is a ratio of probability of failure of good and of suffering of evils, against the probability of success, incalculably great, amounting to a certainty of failure. For, all actions set in course trains of consequences, flowing on in their results forever. Hence, to be certain that such results shall be good, there is a necessity of a knowledge of those results in order that the actions adapted to result only in good may be selected by the reason, dictated by the will, and put in operation through power, while all other actions tending to evil or tending to prevent the securing of good, shall be avoided.

But if the higher government fails in knowledge of results, or in will to secure them, or in power to do this, a failure in the selection of proper actions, adapted to result in good, is inevitable, and evil must be the result. Hence to success in the securing of good, by rational beings, by means of rational governments, there is a necessity that, in a series of governments over governments, the highest of all should be a government of perfect knowledge, perfect will and

perfect power. Without such government there is a certainty of failure and a suffering of incalculable evils. The highest government must be one of infinite knowledge, infinite will, with infinite goodness, and of infinite power, or else incalculable evils must be realized ; must be suffered.

There must be government to harmonize objects of choice, means to secure them, and actions put forth for this purpose ; while for success, there must be on the part of government, knowledge, will and power, commensurate with the results. Hence, as all actions set in operation trains of results, flowing onward and outward without limit, there must be, for perfect and permanent success in securing good, a supreme government of knowledge, will and power, commensurate with these results, even of infinite knowledge, will, and power, or else conflicts, disasters, evils irremediable in themselves must come.

In this series of governments, *each higher government is to include and control all the lower ones under it.*

From the definition, government is a whole. But to control a whole, includes the controlling of all its parts. Hence, for a higher government to control a lower, it must control all its parts, all the subjects of that government, as well as itself. And if these subjects of the government controlled, are governments over other's subjects, then to control them involves the control of those others, their subjects, and thus onward to the lowest in the series, to the individual. The higher government is to have regard to everything

through the series below it and so control all as to insure the good of all.

*In this series of governments each lower needs to yield obedience to each and all the higher, so far as their laws can be known.*

The only possible manner in which good can be secured is in the harmony effected through government. Now, as this harmony can be secured only through the control of the highest, extending down through all to the lowest, the lower needs to regard the higher governments up to the highest, and yield obedience to their control, that the necessary harmony may be realized and the good of all secured.

*Again, each government, from the highest to the lowest, is to enforce its own laws, and see that the subjects obey, but no lower government may enforce the laws of the higher.*

Each lower government is a subject or entity of the higher. Its part is obedience, and not the making itself to be the higher government by exercising its control. The enforcement of law is a function of government, and when the subject without authorization assumes to enforce law, he is assuming a function not his own, and is falsely making himself what he is not. Thus, in conflict with truth, he will be in conflict with good, and involve himself and others in evils. The government of man has nothing to do with the *enforcement* of the laws of God. The city has nothing to do with the *enforcement* of the laws of the State. The family has nothing to do with the *enforcement* of the laws of the city.

Each government is to enforce its own laws, upon its own subjects, but not assume the control of a higher government by enforcing the laws of it.

The lower government is to have a regard to the higher, and ought, in all which it does, to conform to the laws of the higher. The city ought to conform to the laws of the State; yet it may not assume to enforce those laws. The laws of the family ought to conform to the laws of the city and of the State, but the family may not assume to enforce those laws by inflicting their sanctions on the disobedient. The same is true of the State: it should conform in its actions to the laws of God; but it has nothing to do in the manner of enforcing Divine laws. This belongs to the Divine government, and not to man's.

The lower government may rightly teach the laws of the higher, as the city may teach the laws of the State, and require them to be read, yet it may not enforce them, nor even require belief in them as right or good. The belief of a rational being is wholly his own, and no human government has the least right to enforce any peculiar form of it; still a government may teach whatever it judges best to teach, even the laws of the higher government, though it must not enforce them.

However, a lower government, for its own good purposes, in meeting the wants of its own subjects may enact identically the same law with the higher, as its own, but not as that of the higher. Yet, since, in the lower government, the importance of law is smaller, and the guilt of transgression is less, accordingly as

the authority of the government is less, the sanctions in the lower government must be less than in the higher. Thus, while the laws of the kingdom of Heaven are, Thou shalt not steal, not kill, not bear false witness, etc.; the State also, may make the same laws, and the city the same, and the family the same, each forbidding all theft, murder, and lying. But each lower government must enforce the law as its own, not as of the higher, and with sanctions appropriate to truth in its own system.

Thus, a human government may enforce its own laws as to marriage, as to hours of rest, or a day of quietude and relaxation from labor; any day it may judge to be for benefit to its subjects. But this it must do as its own regulation, or law, for good in its own system of control, to its own subjects.

Human governments have nothing to do in *enforcing* a religion. That pertains to a higher government—the government of the Divine Being, and science unfolds the fact that a higher government is alone to enforce its own laws.

Still, if a higher government authorizes the lower to enforce its laws, as if the State authorizes the city to enforce State laws, and specifies the sanctions, then the lower government is made by the higher a part of the executive of that higher government, and as an authorized agent, it may enforce the higher laws, though only so far as expressly authorized.

## CHAPTER X.

## DIVISION OF RATIONAL GOVERNMENT.

*Rational Government is divisible into Legal and Disciplinary.*

Strictly speaking, legal is applicable to all governments because all governments involve law. Still, as a distinguishing term in this treatise, it will be used only for one division of rational government, in which the great importance of law justifies its specific use.

*Legal Government is a rational government which has for its aim the controlling of the actions of its subjects in such a manner as to insure harmoniously their securing good, i. e., all the ends of their existence.*

*But Disciplinary Government is a rational government which has for its aim to establish in its subject a certain character or peculiar habits of action as a preparation for some future condition of the subject.*

This division of rational government is one of the utmost importance both scientifically and practically considered. It needs to be very carefully examined. This can be done the most successfully by considering distinct features of the two classes placed in contrast one with the other.

*First. In Legal Government the control affects all*



*the subjects of government considered as co-operators together.*

*In Disciplinary Government the control affects only one subject, or else each single one of many, considered separately.*

While there may be many individuals included under disciplinary government, yet as the design is to develop a certain character, or establish peculiar habits, the control has reference to each one separately, according to its results in its effect on character, and must be modified accordingly. But as legal government has for its aim the harmonizing the actions of all in order to their securing good, it has reference to all in their co-actions together.

*Second. Legal Government has respect to all results in their effect upon the welfare or good of its subjects.*

*Disciplinary Government has respect to one result, that of establishing a certain character or habit of action.*

Disciplinary government may control all present actions, yet its aim is only one, that of an effect on character and habits.

*Third. Legal Government is designed to be perpetual so long as the subjects exist, or so long as the circumstances are unchanged, which gave occasion for the government to aid the subjects in securing the ends for which they exist.*

*Disciplinary Government is designed to be temporary, lasting only till the establishing of character, or habits of action shall be completed.*

Disciplinary government may be indefinitely pro-

longed, in itself considered, by passing from each one of its subjects to his successor. Yet in respect to each it ceases with the completion of its work on his character.

*Fourth. Legal Government recognizes the right of each subject, for himself alone, to choose his own objects of good, the means with which he may obtain them, and the actions he will put forth for this purpose ; while the governmental control is only directed to insuring a harmony in these respects among all the subjects of government.*

*Disciplinary Government recognizes no such freedom of choice or will, but aims at originating, changing, fixing, or even destroying a specific choice of the subject, in the process of establishing his character or habits of action.*

Disciplinary Government endeavors to *dictate* to its subject what he shall *be*, what he shall *choose*, and what he shall *do*. But in Legal Government the subject is regarded as a rational being with a free will, to be, and to choose, and to act as he will ; only, in the nature of things, he must not come into conflict with others' interests, so as to prevent them from securing good. Laws instruct him how to avoid such conflicts ; and government, by the sanctions of law, compels conformity to what is for the greatest good of all in the case.

*Fifth. In Legal Government, the laws and their administration are regular and permanent, admitting of change only by the law-making department in view of a change of circumstances affecting the securing of good by all.*

*In Disciplinary Government the laws and administration may vary at any time at the will of the executive in this government, according to results in the establishing of character and habits of the subject.*

As all laws in Rational Government are *instructive* as well as obligatory, it is important that they be as uniform and permanent as possible in the case. For, thus only can they be used by subjects as a basis of calculation for the future. All changes are more or less in conflict with such calculations.

Still, in Disciplinary Government, since the only object is the development of character and habits, there is no occasion for calculation after the development is secured. Hence, here change may take place according to the judgment of the executive.

But in Legal Government limitless objects of good to be secured are ever in the future. And laws are designed to be the expressions of the reason of the government as to the manner in which these objects in the future can be secured. These laws become the basis of calculation to the subjects in securing these objects, and need therefore to be as permanent and unchanged as possible. On this account change will be rare, and permanence be the character of law in legal government.

*Sixth. Finally. In Legal Government the sanctions of law are only punishments.*

But, *in Disciplinary Government the sanctions of law are only chastisements.*

This division of the sanctions of law into punish-

ments and chastisements is one, in importance, next to that of governments into legal and disciplinary. In science it is secondary to the other ; but, in practical application, indeed it is verily the first in importance. It needs therefore an exceedingly careful examination in a separate chapter devoted to the subject. In the meantime a review is here given of this division of government in epitomized form for clearest remembrance.

*First.* Legal Government designs an effect upon many subjects.

Disciplinary Government designs an effect upon one subject.

*Second.* Legal Government designs an effect upon many things.

Disciplinary Government designs an effect upon one thing.

*Third.* Legal Government designs a control of all actions for the securing of good.

Disciplinary Government designs a control of all actions for the establishing of character.

*Fourth.* Legal Government recognizes the right and freedom of choice in the subject, requiring only a harmony of actions with others.

Disciplinary Government recognizes no such right or freedom, but designs the determination of a choice in accordance with the will of the executive.

*Fifth.* Legal Government is, in its nature and in its laws, permanent, or changing rarely in view of a change of circumstances.

Disciplinary Government is in its nature and its

laws temporary, and changing according to effect on character.

*Sixth.* Finally, in Legal Government the sanctions of law are punishments.

In Disciplinary Government the sanctions of law are chastisements.

But in the scientific examinations of the distinctions between legal and disciplinary governments, it is very important to have in mind the fact that these two governments often blend together in the one same system of control, confusing the intellect and leading to erroneous conclusions. Disciplinary government is rarely found entirely alone. And where perhaps it is thus found, it very soon commences to blend more and more with legal government till fully supplanted by the latter.

From the birth of a human being it is probably for a time wholly under a disciplinary government, that of the parents. By them that young rational being must be most carefully disciplined for the development of a right character, and the establishing of right habits of action in view of its future condition. And in this they must succeed, or else, so far, those parents, in their government, are a failure; derelict to every government above them, up to the highest, that of God. The disastrous results to themselves, to the child, and to others, none except one of unlimited knowledge can estimate.

But in a very short time the child, through its connection with other members of the family, other children in school, other persons in society, and other

citizens of the State, begins to pass out from under the disciplinary government designed for the development of character, more and more, into a legal government of control in view of the good of others. Finally, at twenty-one years of age, the transition is supposed to be complete, and now he is recognized solely as a free subject of a legal government, the State, the nation, the empire. No more is any one to dictate to him for his own sake as to his character, habits, choice or actions. He is now on an equality with every other subject, and has the same right with others to choose for himself, and act as he will, so far as he alone is concerned. Still legal government, in the interest of others for the good of all, in the necessity of things, may dictate to him so far as is needed to insure a harmony among all in the securing of good.

The family and the school are the two great recognized disciplinary governments under the legal government of the State. Yet in these disciplinary governments, so far as the administration of law is not solely for the development of the character and the establishing of habits of the child, but is for the good of other children in securing a needed harmony of the actions of all, so far the government is a legal government.

When the sanctions of law, in the school, are inflicted upon the child solely for his own good, in the development of his character, the government of the school is disciplinary, and its sanctions of law are chastisements. But when, and so far as, the sanctions

are inflicted as an *example* to the others for their instruction and protection from a repetition of transgression, the government of the school is legal, and its sanctions of law are punishment.

The State, in its own laws, always uses punishments alone, but as to families, schools, etc., it says, judicious chastisements may be inflicted: a clear distinction. Here, therefore, the distinction in the ideas expressed by the two words, may appropriately be considered.

## CHAPTER XI.

## PUNISHMENT AND CHASTISEMENT.

*Punishment is the deprivation of good, or the infliction of suffering upon, the real, or supposed, transgressor, because of his transgression, for the good of others, as judged of by the authority which determines the suffering.*

*Chastisement, as a sanction of law, is the deprivation of good, or the infliction of suffering upon the real, or possible, transgressor, in consideration of transgression, for the good of himself, as judged of by the authority which determines the suffering.*

In this definition, chastisement is limited by the phrase, "as a sanction of law," because, occasionally, this word is used without being a sanction. Its derivation is from two different verbs, to chastise, and to chasten. When derived from chasten, and meaning the same as a chastening, it often has no reference directly to law. In this case it may not be a sanction, and the definition then does not include it.

With an understanding of slight specialties, the following short definitions are sufficient in place of the longer ones above. Punishment is the infliction of suffering upon the transgressor for the good of others ;



chastisement is the infliction of suffering upon the transgressor for his own good.

The inquiry may arise, whether, in some slight proportional degree, punishment may not also include the good of the transgressor. Perhaps it does as *one of all the subjects* of government; yet, if this be true, it is proportionally so slight that, for convenience, it seems not best to cumber the definition with its specification.

So, perhaps, in chastisement, the final design in the developing of character may, in a secondary sense, include the good of others, still for a definition, this possible design of a second thing need not be included in expressing the first.

In view of the very great importance of clearly perceiving the distinction in the signification of these two words, the differences need to be dwelt upon at some length in contrasts.

1st. *Punishment*, in its use, pertains only to a *Legal Government*.

*Chastisement* pertains to a *Disciplinary Government*. As in science the two species of government are distinct, so are the species of sanctions; one is punishment, the other is chastisement.

This distinction is always practically observed by jurists. For chastisement is never found used in the statutes of States and nations, when referring to anything directly in the legal government. But when referring to inferior, and evidently disciplinary government, the laws of States declare that in families, schools, the army, etc., "judicious chastisements may

be inflicted." In legal practice these two words are distinguished as science distinguishes them.

2d. *Punishment* is for the good of *many*, having reference to *all the subjects* of the government.

*Chastisement* is for the good of *one*, having reference only to the *one subject* concerned.

3d. *Punishment* has reference to *all objects of good* for which subjects exist.

*Chastisement* has reference to *only one*, that of establishing *character and habits* of the subject concerned.

4th. *Punishment instructs* as the legal *evidence and exact measure*, both of the importance of law, and of the magnitude, or degree, of crime, involved in its transgression.

*Chastisement* instructs as evidence, but is *only in part a measure* of the importance of law and degree of crime.

Inasmuch as chastisement may vary at any time, according to the judgment of the executive, in view of results affecting character, it cannot be an exact measure. Punishment, being fixed, can be.

5th. *Punishment* depends upon the *law-making department* of government for all its peculiarities.

*Chastisement* depends upon the will of *its executive* for all its peculiarities.

6th. *Punishment* is generally specified in *quality, quantity, and duration*.

*Chastisements need not* be in any of these respects.

In all fully constituted legal governments, punishment must be clearly specified, as much so as law it-

self, of which it is an element. When not specified, punishment would involve the element of *ex post facto* law, if inflicted.

7th. *Punishment* in itself has no *reference* to reformation.

*Chastisement* in its nature has *direct reference* to reformation, being designed to effect a genuine and permanent change of character and habits.

Punishment, in its language, is, always, so much, no more, no less ; so long, no longer, no shorter ; such in kind, this and no other, all which would be erroneous, were reformation the design of punishment. If reformation were the design, then the punishment ought to stop when this is secured, since to continue suffering after the very design of it is secured, is downright cruelty. And, again, were reformation the design of punishment, then it should be continued till reformation is secured, since without securing the design, the means is lost, and even worse than lost, because the suffering would stimulate the unreformed criminal to revenge. Thus evidently reformation is not the design of punishment.

Sometimes, law specifies a range of selection by the judge, as to punishment, according to what may seem to him adapted, the most effectually, to secure the ends of justice. And at times "good behavior" is specified as a fact admitting of executive clemency. But this is only a circumstance or fact for the executive to take into consideration, and is never stated to be the object of the punishment.

But chastisement is directly, in its nature, to con-

tinne till reformation is secured, then always to cease ; and, in all its administration, it is to change at the will of the executive as he may judge the best adapted to result in reformation or the establishing of character.

8th. *Punishment* protects, both by preventing a transgression before it is committed, and by restraining the criminal after its commission.

*Chastisement* protects, by effecting a change of character, either before or after commission of the crime.

9th. *Punishment* is in connection with laws which recognize the right of the subject to choose and act for himself, as he will, so far as he himself is concerned ; but which, for the good of all, hold him to a course of action in harmony with others.

*Chastisement* is in connection with laws which do not recognize any such right, but are designed to determine his choice and will.

10th. *Punishment* may at times involve perpetual confinement, or even the destruction of the criminal.

*Chastisement*, in its very nature and design, never can be thus severe.

11th. *Punishment* is never inflicted except after a real or supposed transgression upon the supposed transgressor.

*Chastisement*, in modified forms, is sometimes inflicted without an actual violation of law, in order to effect such a change of character as may prevent a transgression or other evil, and secure good.

By these eleven distinctions at least are punishment and chastisement found clearly to differ. In two respects they are, as sanctions, similar ; they both

are suffering, and both have reference to transgression. But in other and many things they are specifically and clearly distinct. They must not be confused, one with the other, nor with other things. A principal error of the past has been that of regarding punishment the same as chastisement, designed to secure the reformation of the transgressor, thus making the two words to be identical in signification.

Doubtless one cause of error, in respect to these two important words, was that of a truth which is always connected with punishment, though not a part of it. This truth is that, *in connection with suffering punishment, the transgressor ought of himself to reform.*

The punishment is exactly adapted to result in his reformation, if he would use it aright. It is instructive in its nature, imparting to him knowledge of truth if he will receive it. It is right, while he is wrong. He ought to perceive it; to feel it; to yield to the truth, and reform. This he would do if he would act as a rational being, for reason would lead him thus to do.

But, in the liberty of the subject, this is his part; not that of law, or of government. He ought, of himself, to reform in view of the truth presented in punishment. Yet the law makes no reference to such reformation as its design. As law, it requires the same suffering with reformation as without it. And the criminal, though suffering the full punishment of the law, ought to abhor his crimes as bad; and choose, yes, will, obedience to the law as right.

It is true also that the government itself and the executive of law, ought, in benevolence, to seek, as far as possible, the reformation of the transgressor. This they are to do in their benevolence, not as the object of punishment, but as a good to another, always to be sought, so far as consistent with truth and justice.

These facts as to the duty of the criminal to reform when suffering punishment, and of the executive and government to secure it if possible, as an object desirable in benevolence, are so co-existent with punishment, that generally they have been regarded as a veritable element in punishment itself. These, as co-existent facts, are to be carefully distinguished from the real elements and design of the thing itself. In itself punishment is to be regarded as instructive to all and protective to the obedient; to be executed directly for their good.

## CHAPTER XII.

PUNISHMENT MORE CAREFULLY DISTINGUISHED AND  
EXPLAINED.

FROM the definition of punishment as "Deprivation of good or infliction of suffering upon the transgressor because of his transgression for the good of others as judged of by the authority which determines the suffering," it is evident, *That not all suffering is punishment, but only that which accords with the definition.*

It must be a suffering *inflicted*, upon a being of a *particular character*, because of a certain *act*, for one exact *purpose*, determined upon by one who *has this object in view*. All this involves the fact that the suffering must be inflicted by an *intelligent rational being*, on account of believed transgression for a specific object, and to be right, it must be inflicted by one authorized to inflict it.

*Not all suffering resulting from transgression of law is punishment.*

A wife may suffer exceedingly, when first learning that the husband, whom she thought a noble and good man, is in jail for a real theft. Her sufferings are the result of a transgression, yet are not punishment. So also may the transgressor himself suffer greatly

because of his disgrace and of his confinement, and because of the sufferings his wife and friends endure on his account, and yet there be no punishment in the whole ; although a part of the suffering at least, was inflicted by an executive of government. None of the sufferings of the prisoner, before he has been tried, proved guilty, condemned, and the sentence commenced to be inflicted, are punishment. All previous sufferings result from the circumstances, in view of which the judge may however see fit to sentence the criminal to a less severe punishment than otherwise he would have done, but they were not punishment.

*Again, No natural result, however painful, is punishment.*

All natural results are in perfect harmony with natural law. They are always results of a form of obedience to them, obedience being used with no reference to intelligence in the case. If from an unavoidable necessity the hand of a man is brought into fire, it comes under the law of disorganization, and is burned, in obedience to that law. There is no punishment in it, any more than when that hand was under the law of growth and it grew.

The same also is true, if a man designs to put his hand in the fire. For the material law of disorganization requires the consuming of the hand ; and there is no more punishment in the case than when the man puts his hand in cold water and, by the law in the case, the hand is cooled.

There is a law of mind that when a moral being intentionally injures another he will hate that other.



This hatred is a species of suffering, and terribly degrades the being, yet it is not punishment.

Punishment belongs only to legal, rational, government, and must be suffering inflicted by a rational executive in accordance with law for a certain purpose, the good of the subjects of that government.

Once more, *Remorse of conscience is not punishment.*

Remorse is a feeling of self-condemnation and desert of punishment because of transgression.

In two things it resembles punishment: it is suffering; and is because of transgression. But in other things it utterly fails of the features of punishment. It is not inflicted; it is not specified by law; it is not uniform; it does not cease after a certain amount; or after a definite length of time; it is not a measure of the importance of law; it does not accord with the degree of crime; it varies in different individuals; with different times; with different circumstances; and has no authority determining its degree.

Especially, remorse differs from punishment, in that, while, if a transgression is repeated after punishment, the punishment is always justly increased, and so forward with every repetition, yet, with remorse, it is directly the opposite. For, generally it diminishes with the repetition of crime, till at length it almost or quite ceases to act. Indeed, so far is remorse from being punishment that a major element of it, in this world, is a feeling that punishment is deserved but not inflicted.

This feeling of remorse bears a close analogy to other feelings and emotions of the rational being.

Hunger is an original, peculiar feeling of suffering, differing from all others, and becomes a powerful impulse to action. Thirst is also another original, peculiar feeling, which becomes a powerful impulse to appropriate action. These are but two of many original feelings of the body, each a powerful impulse.

The mind has, in like manner, its variety of feelings, each an impulse to action. One of these is the sense of moral obligation, an original and peculiar emotion becoming consciously felt on occasion of perceived right and wrong. When wrong is committed, another original feeling is awakened, that of remorse. It is a peculiar feeling of suffering in the moral nature of the rational being, one of immense importance, different from all others, and becomes a powerful impulse to certain actions.

It is not punishment any more than hunger is punishment. But there is in it, awfulness, fearfulness, miserableness, agony ; a suffering at times which words cannot express, impelling to its own variety of action.

Yet, this remorse, like any other suffering, *may* be made a real punishment. Any suffering, when judicially inflicted, *i. e.*, when the criminal is judicially delivered over to the suffering, becomes a true punishment. To be torn to pieces by wild beasts is not punishment. But if there is a judicial sentence, committing the criminal to wild beasts to be torn to pieces, then it becomes punishment. So if ever there is a judicial delivering of the criminal over to the horrors of remorse of conscience, then remorse must be punishment of tremendous import.

These specific distinctions between punishment and things resembling it, though not themselves it, are here presented to guard the mind against confounding the important element and principle of punishment in government with other things differing from it in essential facts. Confusion here is certain to confuse the whole science in the mind, and lead, in practical results, to irreparable evils.

In Legal Government all the superiority of law over advice is due entirely to the element called punishment. The real value, force, and obligation, of law, are all given it by punishment. The entire legal instruction given by government to its subjects, as to the importance of law, and as to the badness or criminality of transgression (upon the knowledge of which depends rational obedience), and the entire legal protection of the obedient against the evils of transgression, all are dependent upon punishment.

Punishment, in view of its importance, should be exactly and clearly apprehended by the scientist, as a great central force, and elemental principle in government. Without it legal government ceases to exist; with it, in perfection, government is perfect.

Hence, *in legal government, true punishment is an expression of highest goodness, a necessity in benevolence and love, essential to the welfare of subjects.* Its true origin, true administration, and true design, are all found in its being useful, as a means of good, necessary to the subjects of government in securing the ends of their existence.

This usefulness of punishment and the manner of

it, have been treated of under the head of sanctions of law (chapter vi.). All there presented having referred to sanctions as a genus, is also true of punishment as a species. But a species always possesses some peculiarities not found in the genus. Hence, in order that these peculiarities may be seen in their true connections, and also in view of the great importance of the whole subject of punishment in distinction from everything else, those principles there presented are here, in connection with new features, repeated with aoridged explanations.

There is especial reason moreover, for this repetition, in the fact of the very grave errors commonly entertained in reference to the subject of punishment in its various applications.

The great principle in the case is, that *All the virtue, force, and excellence of punishment are found in the fact of its usefulness, as a means necessary to subjects in securing good.*

The next principle is, that, *The usefulness of punishment lies entirely in its two qualities of being instructive and protective.*

It is instructive in three ways: *First, It instructs by being the measure of the importance of law.*

As has been said, the subjects of government can act rationally only by conforming to truth as made known through evidence. But, in their limited knowledge, they cannot, each one, from his own experience and investigation alone, apprehend the results of actions upon all through the system of government, and correctly select, each for himself, those

actions which are adapted to result in good. His own reason will certainly fail him in the case and all be involved in consequent disaster. Legal government is designed to aid the subject in this condition of difficulty by unfolding authoritatively, through law, the course of action adapted to result in good to all.

But to be law, as distinct from mere advice, there is a necessity of the element of punishment. By the magnitude of this punishment the government expresses its estimation of the importance of law. This expression of government, as to the importance of law, is to the subject the legal evidence of this importance, and, as evidence, it is essential to his knowledge of this importance. Thus punishment is instructive, giving evidence, by its magnitude, of the magnitude of the importance of law.

In view of this importance must the subject obey if he is to act rationally. This he is to do, not through fear of the punishment, but through approval of law, and out of regard to its importance, as proved to him by punishment taken as evidence on the authority of government.

Corresponding to authority there is need of a correlative word on the part of subjects. Authority; giving in itself, *i.e.*, in the character of the author, the evidence for truth, demands reception of the truth. The subject does, or ought to, receive it on the authority of government. This reception needs in science a term expressive of it. Faith is a word in common use expressing this exact idea.

*Faith signifies the reception of truth simply on the evidence of authority.*

Government is the authority for laws; subjects, from faith in government, are to receive those laws on its authority to obey them. Faith, indeed, is not confined to government. It expresses one of the most common and most rational acts of an intelligent being. With little exception all historical belief is simply faith in the authority of historians. Nearly all scientific belief among the masses of the people is merely faith in the authority of scientific men. The immensely larger proportion of all rational belief is only faith in the authority of the various sources of evidence. Government justly demands from subjects this faith in its authority as to law. It expresses the importance of law by the magnitude of punishment, and demands that the subject obey law in view of this importance. Thus is punishment first instructive.

*Second. Punishment is instructive by being the measure of the degree of crime involved in transgressing law.*

It is in view of the badness or the criminality involved in transgressing a law that the subject is to avoid such transgression. But the punishment is the measure of that criminality, and is the legal evidence of it to the subject.

*Third. Punishment is instructive as evincing the vigor of will and the power of the executive to enforce the law and protect the obedient subjects from the evils consequent on transgression.*

All protection against the evils of transgression, resulting from those who chose to violate law, depends

upon the will and the power of the executive. Just in proportion to the confidence of the subjects in the will and power of the executive to protect them, can they rationally trust this department of government to do it, while they peacefully and rationally obey the laws of the government. This vigor of will and ability, on the part of the executive, are evinced to the subjects by the punishments he enforces on occasion of transgression. Thus punishment is instructive by being the evidence of the will and power of the executive, upon which depends for subjects all their rational confidence of protection from evil.

The three facts united in the instructive quality of punishment are necessary to subjects if they are to act rationally, as rational beings, under a rational government. These three facts given in punishment are formulated in the following manner :

A law of little importance, hence of little crime in its violation, evoking little vigor of will and power on the part of the executive, must have little punishment specified for its transgression. A law of great importance, hence of great crime in its violation, and evoking great vigor of will and power on the part of the executive, must have great punishment specified for its transgression ; and a law of the greatest importance, hence of greatest crime in its violation, and evoking the greatest vigor of will and power on the part of the executive, must have the greatest punishment specified for its transgression.

Or, little importance, little crime, little vigor of will and power, little punishment ; great importance,



great crime, great vigor of will and power, great punishment ; finite importance, finite crime, finite vigor of will and power, finite punishment ; infinite importance, infinite crime, infinite vigor of will and power, infinite punishment.

Such are the proportions, such the correlations of truth, and such the necessities for subjects in their instruction by government. Punishment, to be true, must instruct truthfully. Its testimony, as evidence, must neither overstate nor understate the truth. By its magnitude it must be the true measure of the importance of law, and of the correct degree of crime, and be the true expression of the vigor of will, and of the power of the executive of law to enforce its claims, sustain the government, and protect the obedient. In view of this evidence, the subjects of government can rationally act, and peacefully yield cheerful obedience to law and government.

Again, *The protective quality of punishment is evinced also in three ways.*

*First. Punishment protects against the evils of transgression by preventing them through instruction.*

Inasmuch as it instructs all as to the importance of law and the badness of transgression, it enables subjects to choose the good, carefully to do right, and avoid wrong. Thus by its influence in preventing evils by its instruction, it so far protects obedient subjects against them.

*Second. Punishment protects against the evils of transgression by being a terror to those inclined to transgress the law, inducing them practically to obey.*



There is no moral virtue in this obedience ; still, to the truly obedient, this influence is of great importance in preventing the evilly disposed from violating law, and involving others in suffering. Thus, as an object of terror to the evilly disposed, punishment is, for the obedient, a great protection against evils.

Perhaps also the suffering of punishment, as an evil to be avoided, may have a rational influence upon the good themselves. They may perhaps perceive it as an evil like any other fact of pain, and with a right motive avoid it by obedience. Thus punishment, as a suffering in itself, may have some proper influence, as an object of fear, even upon the good as well as the bad, to protect from evil, by insuring obedience.

*Third. Punishment is protective by being such a confining and affecting of the evil-doer, that repetition of the transgression may not take place.*

Since, in its very nature, government is to protect its subjects from actions tending to prevent the securing of the ends of existence, *i. e.*, their real good, it follows that if it cannot protect them either by instruction or by fear, then it must give such protection through compulsion or physical force. But because the will is free in rational beings, government cannot force or compel the wills of those inclined to violate law. Therefore, it must, by physical force, restrain and confine those thus evilly inclined, that they may not again, by transgression, involve the obedient in evil. This “inflicting of confinement upon the transgressor, because of his transgression,

for the good of others," is, according to the definition, punishment.

In formulating the principles of this chapter, it appears that punishment is both instructive in three ways, and also protective in three ways.

It is instructive, 1st, as evidence of the importance of law, 2d, as evidence of the degree of crime, and 3d, as evidence of the vigor of will and power of the executive to enforce law. It protects, 1st, by its instruction to all, 2d, by its terror to the evilly disposed, and 3d, by its confinement and effect upon the transgressor to prevent repetition of crime.

## CHAPTER XIII.

OTHER FACTS AS TO PUNISHMENT TOGETHER WITH  
APPLICATIONS OF IT.

FROM the fact that punishment is protective it is evident, that, *It must involve greater deprivation of good to the transgressor than the good he designed for himself in his transgression.*

For, if by breaking the law which protects the rights of property, he secures as a thief, five thousand dollars, and yet is punished only by the deprivation of four thousand, he has made one thousand dollars clear by his transgression. Protection would not be given the obedient in the case, and the thief will repeat the act.

So also if suffering is inflicted, such as imprisonment or scourging at the whipping-post, and yet the suffering be to him, as he regards it, only equal to four thousand dollars, he will consider himself as clearly gaining one thousand dollars, and be ready to renew the theft as an advantageous transaction.

Again, *The chances that the criminal may escape the executive must be considered still more to increase the punishment.*

For, if when stealing five thousand dollars, the criminal is to be punished by a deprivation of six

thousand, and yet he can escape detection once out of three times, then, in the three transgressions, he will secure fifteen thousand dollars, but be punished only in the loss of twelve thousand. Thus, in this case, protection would not be given the obedient.

Again, *The hardening of the criminal's feelings by transgression* must be considered yet still more to increase the punishment.

For, the repeated transgression of law, and often a single act, will so deaden the sensibilities of the criminal, that a suffering, as punishment, which to an honest man would be very severe, would, by him, be little felt. Thus protection in this case also would not be given.

Moreover, from a consideration in the quality of punishment, it is further evident that, *Punishment must be to the transgressor very much greater than the good he secures, or designs for himself.*

For punishment is the measure of the importance of law, and of the degree of crime involved in its violation. But the importance is much greater than the good it protects for the one single possessor, since it protects also the same good of all like possessors. Therefore the punishment which expresses the importance of this law, protecting all these various possessors, must be much greater than the sum taken by the one thief from the one possessor.

Again, since punishment is the measure of crime, while criminality increases not only with the importance of a law in government, but also with the authority of the government itself, it is still further

evident that the punishment, measuring this increased criminality, must often very far surpass the individual good secured or designed by the criminal in his violating law.

From all these considerations it follows that the punishment for violating law ought in truth often to be many fold greater than the good the criminal secured or designed for himself in the violation of law. Justice, goodness, love, demand it to be much greater, and its execution is one of the highest legal expressions, which the executive can make, of his love and benevolence.

#### APPLICATIONS OF PUNISHMENT.

The principles of punishment in their application to the protection of property, appear comparatively simple. In this case a numerical estimate of good and evil in the case can be approximately made, and a punishment that shall instruct and protect be somewhere near correctly determined upon.

But in their application to the protection of liberty, the determination of just punishment becomes more difficult. For the deprivation of liberty is generally felt to be a greater evil than the loss of money, and the law-making department of government must judge of this loss, with other considerations, in determining punishment in the case.

Still more difficult and complicated is the matter when these principles are applied to the protection of limbs, health, and character. In determining the criminality involved in the willful destroying of a

limb, or any member of the body, it is necessary to consider the loss of time, of health, of wealth, of comfort, of liberty, of aid to a dependent family, of help to general society, of assistance to government, and of all things involved in the loss of the limb, or member, in order that a true and just punishment may be determined upon. The punishment must both correctly instruct and effectually protect or it is wrong.

Should the punishment for willfully destroying an eye, or disabling an arm be fixed at one thousand dollars, then possibly the anger, spite, malice or revenge, of a rich man might induce him to risk the loss of the thousand dollars for the gratification of destroying the eye, or other useful member of a poor man with whom he had difficulty. In this case the law by its punishment would fail to give protection to the poor man; for the rich, evilly disposed man could easily trample upon the poor, by means of his wealth. The government is in duty bound to protect all obedient subjects, the poor as well as the rich, yet in this case it seems it would not.

Probably no better punishment was ever specified, *for such a condition of things*, than that, after an impartial court trial, the rich man should have his own eye, tooth, or limb, destroyed by the proper executive of law. This would effectually protect the poor man from outrage by an evilly disposed man of wealth. This must not be done by a private man on his own authority, for this would be only revenge. But it must be by the proper officers of government, as an instructive and protective punishment, to be inflicted

upon the criminal by the properly constituted executive of government. Just punishment must both truthfully instruct, and effectually protect. All else is false to truth and goodness.

Finally, in the application of these principles to the protection of life, there is an inference of the greatest importance. The estimate of life is that of a good to a man greater than any other object of desire on earth. No sum of money, no amount of wealth, and no years of servitude, can express to a man the real value of his own life. He regards it to himself as a good too great to be expressed in numbers.

Now the law, which protects life, protects for him this great and inestimable good. But the importance of a law is equal to the good it protects, and the crime of violating a law is, in degree, equal to the importance of it. And the magnitude of this importance, and the degree of the crime, are expressed by the magnitude of the punishment attached to the transgression of the law. Hence, if the punishment for murder be any sum of money, such as ten thousand dollars, the legal testimony by punishment, as the evidence in the case, is that the real value of life is no greater than ten thousand dollars, and that the crime of destroying life is correctly measured by this sum.

But this legal testimony would appear to be a judicial falsehood, for life to a man is of more importance than any sum of money. All the subjects of government do estimate life as of more value than money; but by a punishment of money to protect it, the government declares, by law, that this estimate is

an error ; that life is really of value only equal to a certain sum of money, and that the crime of willfully destroying it is correctly expressed in degree by such sum.

Exactly the same reasoning with the previous holds true in respect to imprisonment for life being punishment for murder. For in this case the legal testimony is, that the loss of liberty during life, is equal to the loss of life itself, and that the crime of willfully destroying life is truthfully expressed in degree by loss of liberty through life. Such testimony is false. Life is more valuable than liberty ; and the importance of the law which protects life, and the crime of willfully destroying it, are greater than can be expressed by imprisonment, or by loss of liberty. Therefore they must be expressed by a punishment greater than the loss of any sum of money, or than the loss of liberty by imprisonment for life. Otherwise the legal testimony in the case would be a falsehood and a lie, while truth and safety would become sacrificed to the impulse of sympathy for a criminal, that had no sympathy for his victim.

Life for life is alone the punishment which the science of Archology can justify as the true punishment for murder. This only expresses as evidence the real importance of the law which protects life, and the degree of crime involved in the transgression of that law, giving, at the same time, the only sure protection against the repetition of the transgression.

The principles here discussed in the application of punishment to the protection of different varieties of good, may be formulated in the following manner :



*The loss of money protects money*, or full equivalents are admissible.

*The loss of liberty protects liberty*, or full equivalents are admissible.

*The loss of limb protects limb*, or full equivalents are admissible.

*The loss of life protects life*, but here there are no sufficient equivalents, rationally expressing the importance of the law protecting life, and the degree of crime involved in its transgression. Capital punishment alone for murder gives the true instruction and the effectual protection requisite in the case.

## CHAPTER XIV.

## THE PARDON OF CRIME.

*Pardon is the setting aside of the punishment which law demands, and the treating of the criminal as if he were innocent.*

Punishment and pardon appear as direct opposites. While punishment is the infliction of suffering, pardon is the non-infliction of that same suffering. While punishment is what the law demands because of a crime, pardon sets this demand aside and treats the criminal as if innocent.

The acts expressed by the two words are in themselves directly opposite, the one to the other. As in worldly phenomena, the attraction of gravitation draws all things toward the center of the earth, yet smoke ascends directly from that center, so punishment and pardon appear directly opposed. Science explains, in each case, this apparent opposition, and proves them, in their appropriate actions, perfectly harmonious, originating in the same principle, resulting from the same cause in different circumstances, and, mutually, of incalculable importance, practically considered.

Punishment is from the law-making department of government, a direct demand, involved, as an element,

in the nature of law itself; while pardon is from the executive of that same law, a direct rejection, in letter, of this demand of law. Yet are they, each in their appropriate circumstances, perfectly right, and harmoniously tending to the same end of good in government.

The explanation lies in the one great underlying principle and aim of government, the one same principle and aim of law, the one same principle and object of the whole administration of government and law. This one principle and aim is that of *usefulness to the subjects* of government in securing the ends for which they exist, their true good and welfare.

In view of usefulness to subjects, government and law exist. But law being a uniform rule of action, so long as there is occasion for uniformity, cannot specify the varying particulars, which in temporarily varying circumstances, would be best in securing the general good. Law is the uniform great means; but the varying particulars must depend upon the execution of law. Pardon is one of these particulars, the great and important particular, admissible when, in view of all the circumstances, it will result in the same good to subjects of government equally with punishment.

That is, *Whenever pardon, in view of all circumstances, will result in, and secure for the subjects of government, all the same objects of good, equally with punishment*, then pardon is possible and right as a means of good in place of the punishment.

The law-making department promulgates the law

as a means of usefulness to subjects; the executive enforces the law as a means of usefulness to them. Hence when, as a means of usefulness, pardon will secure the same results of good equally with punishment, the executive may substitute one for the other. Then whichever as a means is used, the other becomes useless and impossible.

The only difficulty involving danger in the case, is the liability of the executive to err in his judgment as to whether pardon will result in good equally well with punishment. But science has nothing to do with possible errors in practice. It is to present the principles of truth in their true relations, while, in the particular application of the science as an art, errors must be guarded against. So in this case, the principle of pardon and the possibility of pardon are as presented. Hence the principle of pardon is possible and right, whenever with it can be secured all the objects of good possible to be secured by punishment.

*That is, Whenever, with pardon, are given to subjects, all the instruction and all the protection possible to be given by punishment, with no resultant evils, then is pardon possible and right.*

In this case the executive finds himself in possession of two means of good, that of punishment and that of pardon. He now has a choice of means, and if he perceives that the second is, in every respect, equally effectual with the first, he has a right to select it and dispense with the first; moreover benevolence demands of him, in this case, to make use of the

second, and he would be a cruel executive if he did not do it.

If now the judicial usefulness of pardon be divided, the same as that of punishment, into the Instructive and the Protective, it will follow,

First, as to the Instructive, that *With pardon* there must be given, in some manner, *evidence* of the three great facts which punishment gives, viz.: *That the law is just as important as it in reality is ; that the degree of crime, involved in the transgression of the law, is just as great as it in reality is ; and that the executive of law is of a vigor of will and of ability to enforce the law just equal to what he in reality is, the same as in the case of punishment.*

Secondly, as to Protection, *With pardon*, there must also be given to the subjects of government *protection* from the evils of transgression, *by instruction to all ; by terror to the evilly disposed ; and by an effect upon the transgressor to insure the non-repetition of the transgression.*

This instruction and this protection may be given in different ways, and by different actors in the application of pardon to particular cases, but in some manner it must be given. It may be done by the executive ; or by the criminal ; or by others, such as friends ; or by the circumstances of the case ; by one ; by all ; or partly by one and partly by the others. But in some manner ; by some means ; in some way ; there must be given, in the case, the same full instruction and full protection which punishment would give. When this is done then pardon is admissible, as perfectly

right, good, benevolent. The highest good of all is secured ; the real protection of all is certain ; justice is satisfied ; the punishment dispensed with ; and pardon correctly granted.

In the above statement, as to the granting of pardon, in order that misapprehension may be avoided, the full force of the word circumstances, needs particular notice. A few illustrations will make this the most clear. A pupil has violated a rule of the school ; broken a pane of glass and run home. The teacher says, " I must punish that boy to-morrow." But that evening the mother of that boy dies. This fact requires that the teacher refer tenderly to the painful bereavement, and pardon the criminal. The circumstances make the pardon more useful than the punishment. A murderer is clearly convicted and condemned. Before the day of execution the criminal is almost gone with the consumption ; utterly unable to rise, and is certain to die in less than ten days. Public feeling would revolt at his being brought thus upon his bed to execution. A pardon might do more good if couched in proper terms than the punishment. The executive might rightfully pardon, justified in so doing because of the circumstances. Once more, an aged man, in a financial crisis, forges a note ; is convicted, and condemned to the penitentiary for years. Just at this time, his worthy son returns, the leader of a victorious army, having saved his country in the hour of her greatest peril. He petitions, as a favor to him personally, for the pardon of that aged father ; promising to provide for him well the remainder of his

life, and reimburse all losses to injured parties. To refuse the petition would probably be an outrage to a grateful people. In the circumstances a pardon would do more good than punishment and would be right.

Circumstances immensely vary ; yet these, as illustrations, suffice to bring out the principle that when, by them, pardon results in good equally with, or better than, punishment, it is then right.

There is, however, a difference to be considered in the two cases of punishment and pardon. For, while punishment, in its nature, as a suffering, does directly instruct and protect ; yet, as pardon is a setting aside of suffering, it, in its own nature, cannot instruct or protect. Therefore the instruction and protection must be given by something in connection with the pardon, as the ground, or cause, on account of which the pardon is granted. This ground or cause, on account of which the pardon is granted, needs a term by which it may be expressed ; it needs a clear and distinct name.

Inasmuch as this ground or cause of pardon is the occasion of government and the violator of its laws becoming fully reconciled, so as to be *at-one* again, it is appropriate that that which is the means of their being at-one should be called an at-one-ment or atonement.

*Hence an atonement is that which is done as the ground or cause on account of which a pardon is rendered possible and right.*

The wording of this definition is designed to exclude those cases where the cause of the pardon is

some defect in law, or evidence, which the law department, by statute, could not guard against; or where new evidence has come to light after the judgment of court has been rendered. Strictly speaking, in these cases there is only the form, but no real, pardon; because the punishment really is not deserved, and would be wrong. To remedy the wrong of the technical punishment, a pardon in form is granted, still this is not strictly a pardon. In science pardon is setting aside the punishment which the transgressor deserves by the execution of law. This can justly be done only where in connection with the pardon are given all the same instruction and protection, equally with punishment. That which, as the ground and source of pardon, gives this instruction and protection is called an atonement.

*Hence an atonement, as the ground of pardon, must give all the instruction and protection which are given by punishment. Then is pardon just and right. The language of law is punish, the spirit and aim of law admit of pardon; and benevolence demands it from the executive.*

Still, notwithstanding whatever may be the atonement made, either by the transgressor or by others, there is one prerequisite to pardon, on the part of the criminal, which, in all cases where he is to go out as an active, free subject of the government again, is absolutely necessary as given in science.

*As a prerequisite to pardon there must be a real change in the will and motive character of the transgressor, so that there shall be, on his part, a sincere approval*



*of the law, and a genuine, fixed purpose to obey the government.*

This necessity is very evident from all unfolded in previous chapters. For, without such a change in the character and action of the criminal as involves a genuine abhorrence of his crimes, and a fixed will to obey the law, there could be no protection for the obedient subjects against a repetition of transgression, and this, too, in aggravated forms, with all the consequent evils. The government must give protection; but in case of pardon, without a genuine purpose, founded rationally in the very motive character of the criminal, there would not be protection. Government would be granting the criminal the privilege of repeating his transgression with impunity. There must be a change of character in the criminal from the choice influencing him to transgress, to a choice to obey, before pardon can justly be granted.

The only apparent exception to this principle is, that in an imperfect, weak government there may rest upon the executive a necessity to remedy errors in law, or administration, or in some other defect, by granting a pardon without the above principles being realized in the case. But this, like other necessities in practice, belongs rather to art than to science, to discuss and determine. In science the principle is positive; there must be a change in character from disobedience to genuine obedience before pardon can be granted.

This change of character is not the reason for pardon. It is not the ground or rational cause on account

of which pardon is granted. It does not require a pardon. It, of itself alone, never justifies a pardon ; and the criminal cannot properly, on account of it, demand a pardon.

But pardon can be justly granted because there can be given with it all the same instruction and the same protection which can be given with punishment. Then is it possible and right. Even in this case the criminal cannot demand it as his right. By transgression he has forfeited his rights to the benefits of law, and is at the disposal of the executive, who, in his judgment, has the legal right to use either pardon or punishment. Yet in the principles of benevolence he is in duty bound to grant the pardon. But the criminal cannot justly demand it. He may ask for it, but not demand, then trust to the clemency of the executive.

#### COMMUTATION OF SENTENCE.

The same principles which hold good with respect to pardon, also hold with respect to commutation of sentence or punishment, except that a change of character in the criminal is not an essential prerequisite. Whenever the chief executive of law perceives that in all the circumstances of the case a certain legally specified punishment is defective in its instructive or protective efficiency, while another milder punishment is superior in this respect, then he may substitute this second variety of punishment, which, like pardon, utterly excludes the first specified punishment.

The process of reasoning justifying, this conclusion,

rests, like that of pardon, entirely on the great principle, that all of government and law and administration has its origin and end in *usefulness*, as a means to the securing of good. Hence, when there is a certainty that some means of punishment, other than that specified by law, will, the more effectually, secure the objects desired, the executive may rightfully make use of this other means, and dispense with the first. The danger is that the executive may err in judgment. But science must give the principle, while in practice the danger must be guarded against.

Thus, while strict law makes no reference to either pardon or commutation, yet both, in their appropriate circumstances, are right, just, and benevolent in the place of specified punishment, whenever the executive clearly perceives that the full objects of the punishment can with them be as well or better secured than with the specified punishment.

Commutation, like pardon, at times, is designed to remedy defects in the administration of human government. The law, in the circumstances, may be too severe; the jury may be biased by prejudices; the judge may err in his renderings; new and clearly modifying evidence may appear after the sentence, so that injustice would be done by the exact infliction of the punishment. Commutation, or sometimes pardon, is a remedy in the case.

## CHAPTER XV.

## TAXATION.

*Taxation is a requisition from government upon its subjects for a certain amount or proportion of their wealth to meet the expenses of government.*

The clause, to meet the expenses of government, in the definition distinguishes true taxation from the imposing of fines, the assessing of damages, the sequestration of property, tariffs, duties, imposts, licenses, etc., all of which involve more than to "meet the expenses of government." Fines involve the principle of punishment. Damages involve the same in a lower degree, and so also of sequestration. Tariffs are requisitions of specified portions of foreign productions imported into a country, one design of which is generally to encourage home productions. So of duties, imposts, licenses, etc., each of which involves, in its signification, something more than for the purposes of government. Taxation is properly applicable to the property of foreigners within the limits of government, when no distinction is made between such property and that of subjects; also at times, for the want of a better and distinctive term, "taxation of foreigners" is used, but the idea in reality is that

of a license to the foreigner to reside and possess property in the territory of the government, while in different ways this license, though like taxes largely supporting government, yet includes additional things, such as discouraging the residence of foreigners in large numbers within the territory, or as an influence to induce them to become naturalized, or some other object, besides solely that of meeting the expenses of government. Taxation proper is alone for the purposes of government, and is imposed upon the subjects.

#### RIGHT OF TAXATION.

*The right of taxation originates in the nature of things as a necessity to government in its usefulness for good to its subjects.*

Since rational government originates as a necessity to subjects in securing good, the means needed by government for its success are included in this necessity. Revenue is one of these means necessary to human government for its success. Without this, in some form, rational government, at least on earth, must soon cease to exist, and all the evils of its loss be suffered. Hence, it is necessary, and taxation is the regular method of obtaining it.

Now, it is a principle of right, that when one rational being is in need of another's help, and at the same time, possesses the means of helping the other in return, he ought to render such help, and the two be mutually helpful to each other. This principle is a basis of all business transactions among intelligent

beings. If one demands an advantage from another without a willingness to return a full equivalent advantage, he is acting on the principle of the robber, and is in conflict with justice. The government in the case has a right to deal with him as a wrong-doer, and require him to do right, by the proper return of advantage to him from whom he receives advantage.

And when such are the circumstances that the mutual advantages, or helps, are of very great importance to both parties, and one actually does receive from the other the advantage he needs, and yet refuses to return the advantage he can render to the other, it is right that the government in the case compel him to do it. For, by so doing, the government is insuring a harmony in actions necessary to secure good, while without it government would be permitting a clashing of actions tending to disaster, and would be itself doing wrong.

All this is still more evident when the mutual advantages are in reality necessary to both and one does receive the advantage for himself. Then truly the government in the case ought, in all right and duty, to compel a return of advantage necessary to the other.

Now this is the condition of things between government and its subjects. There are mutual advantages, necessary to each, which they can render one to the other. The subject needs the help of government as a necessity to his securing the ends of his existence, or his own real good together with the good of others. Without it he cannot, for a length of time, secure, or preserve, either property, liberty, or even life. In the

necessities of his circumstances and nature, he needs the great advantages of government. Moreover he does receive these advantages from government, and only thus does he avoid evils incalculably great, and secure real good. Hence he ought to return to government such advantage in his power as government needs.

But the government needs the means of efficiency in its efforts for the good of its subjects. Revenue insures all such means to the government. Without it, in this world, rational government cannot long exist. Therefore if the subject has wealth, the very advantage as a means necessary to government, the subject ought to return to government such a proportion of it as, on the average with other subjects, will meet the real needs of government.

Here are the two mutual advantages, necessary to each of the two parties, the subject and the government. The subject does of necessity receive to himself the advantages of government. Whether he admits it or not, he does receive such necessary advantages. He ought to return the advantage needed to that government in a proper proportion of his wealth.

If he refuses to return such proportion as, on average with other subjects, is needed, the government in the case has the right, and ought, to compel him to do his share; and also to add so much to the amount as a punishment to him as would prove to be instructive and protective in the case.

The whole of the wealth rightfully acquired by the subject, he has acquired through the help of govern-

ment, necessary to him in the nature of things ; and only by that help does he retain that wealth. Surely he ought to return to government the proportion necessary to it, as the means of its existence and efficiency for the good of the subjects. If he will not do this, government has the right to compel him to do it, and this is taxation, together with the right to enforce it.

#### THE AMOUNT OF TAXATION.

*Taxation is never to exceed the necessities of government as a means of its usefulness to its subjects.*

Since government exists solely for the good of its subjects, it is evident the government ought to demand of its subjects only so much tax as is necessary to its greatest efficiency in promoting the welfare of the subjects. Hence no tax should be for the aggrandizement of government any further than such aggrandizement will contribute to the highest welfare of subjects. So also no tax should be for the honor, display, or gratification of officers of government any further than the real welfare of the subjects will be promoted by such means.

If officers of government manipulate the taxes or other affairs of government for their own personal interest, overlooking the simple object of their official existence, viz., the real welfare of the subjects of government, they are both morally and practically recreant to truth ; they are at variance with the underlying principle of government ; they are in motive wrong, and deserve severe condemnation. Their punishment



ought to be much more severe than that of the common thief, even, as they are greater criminals.

Archology forbids the sentiment, "to the victors belong the spoils." There are no spoils, but all are means of usefulness to subjects of the government in promoting good. Every rational being of government, whether officer or common citizen, should be supremely influenced by the motive of usefulness in the promotion of the welfare of all.

"The divine right of kings," or, in science, "the divine right of officers," in their own personal inclinations, is a falsehood. The whole right of officers lies in their being of use; being of benefit to all affected by their administration of the affairs of their offices.

In commercial transactions it is a common custom for each party to regard mainly, or only, his own advantages, leaving the other to see to his own interest. But in government this practice is at variance with the first principle of right. For the very idea of true government is to supply to subjects a help for their good, where, without it, they are without help. It is so to control all things pertaining to subjects as to insure to them such a harmony of actions as shall result in their highest good, where, without it, they would be whelmed in irremediable disaster through the clashings of apparent interests and operations. This is the whole origin and rational aim of government. Hence, when in the administration of government the officers turn from this very origin and purpose of government to manipulate affairs mainly or only for their own gratifications, they, in motive and

practice, are turning from the very first and highest principles of right in government, to put into exercise the very principle of all evil, tending to utter ruin, viz., the gratification of selfish impulse in conflict with the highest good of all. Thus the officers of government, in taxing the subjects, are to require only such a sum as will, the most effectually, contribute to the efficiency of government in promoting the good of subjects.

This principle of promoting alone the good of subjects holds as to all expenses of government, *i. e.*, as to its public buildings, its parks and fountains, its roads and general improvements, its military and civic displays before the people, and in its treatment of foreign officials. In all things its expenses are to be limited to the promotion of the true welfare of its subjects.

## CHAPTER XVI.

## RIGHT OF GOVERNMENT TO ENFORCE CONTRACTS.

*The right of government to regulate and enforce contracts is involved in its very aim of existence, and appears evident from the principles already unfolded.*

The making, fulfilling, and repudiating of contracts are all varieties of actions, the very things in which it is the design of government to prevent clashing interferences, and insure a harmony essential to the securing of good. On the basis of contracts, the honest parties concerned set in operation whole trains of enterprises designed for good, all of which are dependent for success upon the fulfillment of the contract. If the contract fails of being fulfilled, the good designed must be lost, while the evils, which must be suffered in the case, are beyond all calculation. These evils affect not only the direct contracting parties, but they extend outward and forward with no certain limits to great numbers of others.

Hence, in the very purpose for which government exists, that of preventing evil and insuring good to its subjects, there is involved the right and duty to regulate and enforce the fulfillment of contracts among subjects. Without such governmental enforcement there is a constant liability that some party will fail to

carry out the stipulations of a contract, and thus involve all interested in evils. Government is to enforce the fulfillment, and thus prevent evil while insuring good.

The failure of the fulfillment of single contracts involves many more evils than those directly following from such failure. For they serve as examples of what may take place as to all contracts, destroying confidence in the uniform fulfillment of all. But rational calculation as to the future depends entirely upon an intellectual confidence in the uniformity of things. Therefore, without something to insure the uniform fulfillment of contracts, they could not answer as a basis of calculation, and all contracts would cease to be of value, or of use. Universal distrust would prevail, and all rational action, based on a calculation for the future in human enterprise, would fail. Upon government depends the insuring of contracts to avoid such evils and to secure to its subjects all the good possible in the case.

Hence appears evident the right of our government to enforce uniformly the fulfillment of contracts, in order that they may serve as a basis for rational calculation as to the future, and all possible good designed be secured, while the opposite possible evils may be avoided.

One illustration of the importance of the fulfillment of contracts may be sufficient. Mr. A. contracts with Mr. B. to pay him ten thousand dollars in seven months. On the basis of the expected fulfillment of this contract, Mr. B. contracts to pay Mr. C. the same

sum in the same time, and so on through all the letters of the alphabet. This sum in all amounts to two hundred and sixty thousand dollars. In these contracts are involved all varieties of business, such as building houses, grading streets, cultivating farms, constructing bridges, putting up machinery, etc. Besides the influence of these direct enterprises, the stimulus given to other undertakings indirectly connected with the principal series of contracts, is almost unlimited, surpassing perhaps the direct, tenfold in value.

Now if A. fulfills his contract with B. and pays him the stipulated sum, B. can pay C., and thus onward with all, and the vast enterprises, both direct and indirect, be pressed to successful completion according to previous rational plans.

But, if A. fails in his contract, all the others may be compelled to fail; two hundred and sixty thousand dollars of debts remain unpaid, the character of twenty-six men of business honesty is greatly impaired; the whole community is involved in the trouble; while all enterprise is more or less checked; houses remain half finished, bridges half built, roads half graded, lands half cultivated, mills half put up, and thus onward almost without limit, all tending to ruin. This all may be viewed as the direct result of the non-fulfillment of the first contract of A. with B. But in various ways the evils stop not with the immediate community. It extends outward to far distant localities, because of the world-wide complications of business, and cumulates beyond all estimate by man.

All these evils could, and would, have been avoided, had A. fulfilled his contract with B. Surely government has a right and a duty, involved in the very object of its existence, to control the matter and enforce the fulfillment of contracts to insure the desired good, and avoid the possible evils.

This right of government extends to every variety and species of contracts among subjects, as those with respect to money, wealth, labor, education, moral or benevolent enterprise, ecclesiastical or religious co-operation, marriage, or any other possible contract between subject and subject. Moreover, not only has government a right to enforce contracts, but also it has a right to control them themselves, specifying by law some as permitted and others as forbidden, according as the government perceives that, as species of actions, their results will be good or bad.

The general principles of government, as previously unfolded, settle the whole subject, because the making, fulfilling, and repudiating, or violating of contracts, are only varieties of actions, as to which the very object of government is to insure the harmonious adaptation of all put forth to result in the securing of good by the subjects.

#### RIGHT OF GOVERNMENT TO CARRY ON WAR.

*War is a condition of regular conflict of physical forces between two or more governments.*

All the principles, unfolded in archology, expressive of the right and duty of government to control the actions of its subjects, by restraining whatever tends

to evil, and insuring all which tends to good within the government, prove also the right and duty of government to restrain and prevent whatever from without endangers the good of its subjects. The very design for which it exists, is to prevent evil and insure good, and this it must do by all the means it possesses. When, therefore, great evils from without threaten the real welfare of subjects, the duty of government is as plain as when the dangers arise within. It must use its compulsory power, its physical force, to prevent the evil and insure good to the utmost of its power. In its physical force lies all its compulsory ability to enforce the claims of law upon its subjects. So in physical force lies all its compulsory ability to repress evil from without.

This physical force, as within among subjects, so without toward enemies, is always to be used as the second means of government after the first, that of instruction has been tried. Therefore, if the danger is not so great as to demand immediate force, the government should first use, toward the endangering parties, argument, entreaty, remonstrance, declaration, command. Then if instruction fails, the second means, compulsion, must be used and this is alone physical force.

Hence, when one government finds that another government is threatening, with physical or other force, to destroy the good of its subjects and whelm them in evils, it is its right and duty, guided by reason, to use its utmost physical force if necessary to prevent the efforts of the aggressive government, and protect

its subject, the same with the right and duty it has to exist at all.

Still, if there is a superior government over those liable to a conflict whose duty it is to control the conflicting parties as its subjects, to insure a harmony among them for the good of all, then an appeal to this superior government must be made for its control in the case. Cities are not to war with cities, nor States with States, while there is a higher government over them to insure them from the clashing of interests and activities.

There is but one real exception to this statement, and that is in a case of sudden emergency, when appeal cannot be made to the higher government. In this case good judgment is to decide whether immediate war is to be inaugurated for self-defense, or whether the evil shall be temporarily endured in expectation of a redress of grievances in the future by the higher government.

But if there be no superior government that can or will control the conflicting parties and insure good, then in the very ends for which government exists is involved its right and duty, after all other means fail, to use physical force and repress the aggressions of the endangering government to protect its subjects from evils. This is war; defensive war.

*Defensive War is the use of physical force by government in regular conflict with another, and aggressive, government, for the good of its own subjects, to protect them from the evils of which they are in danger by the aggression.*



This is right, when all other means fail, and the protection of the welfare of the subjects can be secured in no other manner.

Thus:

*The right of carrying on war, in the manner of defense, is involved as a necessity to government in securing the ends for which it exists, by insuring to its subjects the opportunity of securing their highest good and real welfare.*

This principle of right, however, does not in *all* circumstances justify a resort to even defensive war. For when all other means in the manner of instruction have failed, and only physical force remains to be used for protection, if yet it is evident that this is not sufficient with which to resist the superior force of the aggressive government, and no other good can be secured by an effort at defense, then it is the duty of the weaker government to submit to the more powerful. Since the only object of government is to secure good to its subjects, it must not carry on a war which will evidently result in no good to its subjects, but it must submit to another government when that submission will result in such good, the greatest possible in the case.

#### OFFENSIVE WAR.

*Offensive War is a condition of regular conflict of physical force of one government with another, not in the manner of defense against aggression by such other government.*

*This form of war is only in very rare cases right.*

Each government exists for the good of its own subjects, and not, except indirectly, for the subjects of other governments. Now, in offensive war, the government is generally going out of the field in which is found the end of its existence, and is attempting to dictate to an outside government and to its subjects. Hence, generally, offensive war is wrong.

Still, in some rare and extreme cases, one government may become so inefficient in action, so perverted in operation, so cruel in character, or so distracted in its condition, and its subjects be so involved in misery, as to be without hope or good if left to themselves.

Then, in such rare cases, acting with deliberation and good judgment, another government may interfere by an offensive war, to compel and insure good where all was anarchy before. This is in reality obedience to a higher government of general benevolence. Yet such cases are rare, and war can here be justified only when approved by good judgment.

So also, in still more rare cases, it is possible that, in the necessities of subjects, perhaps involved in famine, or in some other cause of severe suffering, as possibly by an excessively over-crowded population, the government may be justified in forcing a passage even by war into the sparsely settled but productive territory of another government. Yet circumstances of this character will be very rare, and the case must be one of great necessity to justify such a questionable measure as offensive war only for personal good.

## CHAPTER XVII.

## RIGHT OF GOVERNMENT TO ESTABLISH PUBLIC SCHOOLS OF INSTRUCTION.

As previously shown, both the origin and purpose of government, are found in its usefulness to its subjects, as a means to their securing the ends of their existence. It was also shown that, in doing this, it is confined to two means of efficiency, that of instruction and compulsion, and that the instruction is especially given in the form of law, designed to be the specification of actions adapted to result in the securing of good, and of those to be avoided tending to result in evil.

But, in the very nature of law, since it is only the expression of uniform actions, or modes of actions, it can specify comparatively few of all which the subject must put forth. Vastly the larger portion are so variable in features that they cannot be expressed in the form of law, but must be left to the reason and good judgment of the subject alone. Such are the ever-changing activities of general life, in common conversation; in the business of trade; in labor upon the farm; in the operations of mechanical enterprises, etc., in different methods beyond enumeration. Government can specify only the uniform principles to

which these shall conform; but, in no manner, can it specify the acts themselves in their varying particulars, occasioned by the ever-changing circumstances, in which each subject is constantly placed.

Still, these actions, each one of them, sets in course of operation, trains of consequences, flowing onward and outward without limit, to produce good or cause evil to others. As to these actions in their tendencies the subjects of government need information that they may be able to put forth only those adapted to result in good and avoid others. They cannot obtain this from laws of a rational government except in part, because law can specify only those which are uniform in mode. But all of nature consists of principles and tendencies operating as uniform forces, endlessly compounding, in different relations and proportions, in which all action is in the line of the diagonal of the parallelogram of the compounding forces. Could the subjects of government, in some manner, be enabled to understand these principles and tendencies of forces of nature in their varying combinations, in the different circumstances, they could generally judge of results with great accuracy, so as to select the good and avoid the evil.

If there exists any means by which the subject can obtain this information, it is of the greatest importance in securing the ends of his existence that he have the opportunity of availing himself of this means, and so secure the needed information. Such a means would answer, to the subjects of government, in the ever-varying actions of life, the same instructive pur-

pose with law, in the uniform modes of actions. When thrown upon their own reasons, in deciding upon actions, they would be enabled, the most correctly possible, to judge of results, choosing the right, and avoiding the wrong.

Such a means does exist by which the necessary knowledge may be approximately given. It is through instruction given in schools. In these can be given information as to the principles, tendencies, laws, facts, and results, of things in nature, in themselves, and in their endlessly varying combinations. These can give the instruction which statute law cannot give, an information of immense importance to the subjects of government in securing the true good and welfare of all.

Hence, in respect to government, there appears at once a right and also duty to establish, furnish, and control such schools for the good of all, a right and duty originating in the same source with that of the enactment of laws. They are necessary to the highest good of all. The principle in the case is as follows :

*The right and duty of government to establish and maintain a system of public schools for the benefit of all is involved in the first element of its existence, that of its being instructive to its subjects.*

In other language :

*For the same reason that laws are needed to give instruction as to uniform modes of actions, public schools are needed to give instruction as to all ever-varying actions through the endlessly diversified circumstances of life.*

The word public is used in the statement because in no private schools can the true design of government be secured. Private instruction, in the very nature of rational beings, will, and must be, modified in its methods of communication to secure the results designed by its private instructors. In private enterprise, as previously shown, are involved, by necessity, among the individual actors, clashings in the objects of good desired, in the means selected by which to secure them, and in the actions put forth for this purpose.

Government exists as a necessity to secure a harmony in these respects in order that good may be secured by subjects. This harmony is sought to be secured, as to uniform modes of actions, by means of law ; but as to varying actions by schools. Both design the same thing in their different departments, viz., to give the instruction needed in order to secure that harmony which is necessary to the securing of good among the subjects of government.

Government could, in principle, as safely give up the making of laws to private parties, relying upon them for public good, as to give up all schools to private control, either as individuals or class organizations of any sort, relying upon their action for public good. Only through public schools, public as under control of the government for public good, can the true welfare of the public be secured.

Hence, *Government must establish, furnish, and control, by proper superintendence, the system of schools designed for the good of all its subjects.*

Government would be recreant to the principles of its existence, false to both its origin and purpose, and sure to be whelmed in more or less of evil, if it should yield up its schools, designed for public good, to any class of private managers or instructors.

Private schools, like other means for securing private ends, or individual good, or class welfare, are to be regulated by their private managers in accordance with their own designs. With such government has nothing to do, except to make sure that they shall not conflict with the interests of others, the same as in the case of all private activities, in order to secure the harmony necessary to universal welfare.

The general principle in the case is that *private good must be secured by private action, not in conflict with public good.* But

*Public good must be secured by public action, under direction of government so superintending as to secure the harmony necessary to such good.*

Schools, in the department of variable actions, are the same as laws in the department of uniform actions, of immense importance in imparting the instruction needed in securing good. Hence, private organized enterprises have their private laws and various regulations, with private means of instruction, often regularly established schools; so the great public organization, the State, the nation, the government, has its laws and public schools, giving the instruction necessary for public good, and it must superintend them itself, or disaster will follow.

Also with schools are involved all the means of



the greatest efficiency of such schools, and even other means of general instruction, such as the publishing of books, the issuing of pamphlets and papers, the furnishing of illustrative apparatus, the instituting of experiments, the appointment of teachers and other officers, and the supplying of all other requisites to the best instruction. This all pertains appropriately to government in order that it may furnish to its subjects the best opportunities to form correct judgments, in acting to secure the greatest good possible to all.

It does not follow from this, that government is to supersede by its schools all private schools, or that it is to give instruction as to everything. Private enterprise has the same freedom as to schools, which it has as to any other means of securing private good, restricted by law only so far as to guard against clashing interferences with other interests. And as to the quality and extent of public instruction, the government is to exercise its own judgment, how far it shall extend its general instruction, the same as in respect to law.

Then, with the instruction as to varying and general activities government may come in with the great law of all rational, moral beings, and require a *uniform motive of highest good to all, in all cases*. In this manner, to the greatest extent possible, can the government secure in all circumstances the greatest good to all who, as rational beings, will choose its help, and obey its commands.

The facts in the case, are absolute, are necessitous.



If a subject of government, through either ignorance or careless, or willfulness, or in any other way, errs in his actions so as to conflict with practical, or external, right, the good possible in the case must, so far, fail to be secured, and evils, which no one can estimate, may result. To prevent these and make sure, the good, government exists, and its only two means of efficiency are instruction and compulsion; while its methods of instruction are also two. These are the giving of positive laws for uniform modes of action, and the establishing of public schools for the endlessly varying particular actions, in the always changing circumstances of life.

Therefore, systems of public schools, in all their varieties, in all their different furnishings, and in all their management, come directly under the proper and necessary control of government.

## CHAPTER XVIII.

CONSCIENCE, AND THE RELATIONS BETWEEN IT AND THE  
GOVERNMENT.

THERE is a feature of all known rational beings, and one of very great importance in their relations to government, which has not yet been treated of, in this work, because there has appeared, so far, no convenient place in which it could well be distinctly considered. Therefore, a full chapter is here appropriated to the subject. This feature of the rational being is that which is called conscience.

The conscience, next to the will, is probably the most important, most variable, most obstinate, most positive, and apparently most independent element of influence in the rational being. It needs to be carefully considered, first in regard to what it is in itself, and its different peculiarities ; then in the relations of government to it, and through it to subjects.

As to a definition :

*Conscience is that, in the rational being, which when he truly believes an action to be right for him, both approves of it, and impels him to do it, while it repels him from the opposite as wrong.*

Conscience is the mandatory force and impulsive power of the reason. It is not the reason itself, but is

the impulsive power accompanying the reason, in executive capacity. It is an impulse to do the right as decided by the reason, and to avoid the wrong, as decided in the same manner.

It is not the province of conscience to investigate truths, and from them to infer other truths, and thus determine what is right and what is wrong. It does recognize a right, but it never does or can investigate facts and truths, to determine particular and external right. This is wholly the province of the reason, which alone weighs evidence, compares truths, draws conclusions, and decides what is right or wrong.

With this function of reason the conscience has nothing directly to do. Its whole office and work is that of an *impulse* toward what the reason decides to be right, and from what the reason decides to be wrong.

It is of great importance to distinguish clearly between the conscience and the reason. The confounding of them, one with the other, leads to grave errors in theory, but worse in practice.

Perhaps one cause of misapprehension in respect to them is that of a metaphysical character in reference to the activity of the reasoning faculties. For, it is true that much of the process of reasoning is carried on unconsciously in the mind. Trains of inferences, from truths to other truths, may be followed out involuntarily through a correct process of reasoning, and the final conclusions be reached, as clearly in belief as though each step in the process had been consciously watched, and superintended by the will. In this invol-

untary mental action, and one often exceedingly rapid, when the reason has decided an action right, the conscience impels to its performance.

Then the subject may suppose that the conscience itself decided the right, but it did not. It is the reason alone, which infers truths from truths, deciding what is right and what is wrong. Immediately after this comes in the conscience, commanding, with the voice of authority, obedience to the right, avoidance of the wrong.

If the reason errs and clearly decides the wrong to be right, the conscience speaks in perfect harmony with the reason, and requires obedience to the believed right. Thus, the conscience of a heathen woman may, as sternly and as positively, impel the loving mother to throw her helpless child into the jaws of a crocodile, because her reason, through education, decides it right, as the conscience of a Christian mother, to nurse the sick and help the needy.

The principle is that *Conscience is imperatively in harmony with the real belief.* •

It is possible that choice, selfishness, will and a process of voluntary reasoning may conflict with truth, and influence the judgment to a decision in belief favorable to error. Yet the conscience will harmonize with the real belief, though weakened and confused, as the real belief gradually disappears, and becomes supplanted by the chosen belief. At length if the will, or choice, in the case, succeeds in the perfect suppression of the real belief, and the chosen one becomes fully received by the mind, then the conscience will

be with the new belief, and impel to what the reason has finally decided to be right.

Thus it appears, that whenever, through an error in reasoning, an actual wrong is fully believed to be right, the conscience will impel with all its force to this believed right, though practically a great wrong.

Therefore, *Conscience is not a direct and sure guide in reference to right action practically or externally considered.* It is a very important element of influence, a great assistance in determining upon actions, and a valuable secondary guide; yet one dangerously liable to error. The one only direct guide for the rational being is his reason, for which he needs all possible help. Yet, whenever this errs, conscience will also err, and impel according to the error.

Yet, at any moment of time, since the conscience is always with the real belief, and hence real reason, impelling to what is really believed to be right, its voice should be heeded as carefully as that of reason itself. At a given time the conscience should be strictly obeyed, for it is only enjoining obedience to the real belief. Yet, at the same time, the reason should be freely searching for additional evidence to correct, in the future, any possible error of judgment in the present.

Besides this, the conscience serves also as a most valuable help to the rational being in guarding him against self-deception. For, while he may suppose himself acting in great sincerity according to his reason, he yet may only be acting in harmony with the result

of a voluntarily determined process of reason, effected, as before shown, by the influence of choice.

Here, conscience, in opposition to this self-deception, may actively sound an alarm of danger, as it impels confusedly, now to the old, real belief, mostly supplanted by the new, then to the new, partly dominant over the old ; and again, to, or against, both, in the uncertainty of the truth. Hence again, the principle, the converse of the preceding.

*No rational being can safely follow merely his conscience, as a direct and sufficient guide.*

Since the conscience is only an impulse in accordance with the real belief, the rational being needs ever to be watchful, and suspicious of it, lest, in his ignorance or carelessness, or willfulness, he may believe wrong, and thus his conscience be wrong. Then, in action, he will be practically wrong, and the result be evil to himself and to others.

Once more, *He who aims merely at obeying his conscience is always wrong.* For, he is ignoring reason which was given him as his own direct guide, to yield himself to an impulse. This is to conflict with original principles of his nature, as a rational being, and to descend, so far, towards the condition of a creature of instinct.

Conscience was never given him for the purpose of a direct guide, but as a cautioner ; a monitor ; a stimulant in doing right ; a goad in the path of duty, in active harmony with reason. Its function is that of spurring the being to effort in that course of action which the reason dictates as right. But a goad is no

guide to a rational being, and he who takes it as such, is mistaking an element of his own being, and the functions of its office. Great evil to him and others must be the result. His reason he is to accept as guide, and ever improve all means for its instruction, while conscience is ever with him as an authoritative, friendly, admonisher, urging him to the right, repressing him from the wrong.

#### SOME PECULIARITIES OF CONSCIENCE.

*The impulse of conscience is weakened the more it is disregarded.*

This is the natural result as to any impulse of the sensitive being on earth. For a short season it may increase, but, beyond a certain limit, it begins to diminish, and may ultimately cease all its activity. It is the same with the impulse of conscience as with others. With neglect or repeated violation—and neglect is violation—the conscience varies in intensity, vacillates in its course, and diminishes in force, while the habit of willful self-gratification increases, and the whole rational being becomes more and more perverted to error.

*Acting in accordance with the conscience increases the force of its activity.* The habit of obeying the conscience, quickens the sense of its least impulses, and stimulates its action in harmony with the right as perceived in reason, till at length the whole character of the being, intellectual, moral, and impulsive, becomes fixed in harmony with truth. The conscience

becomes keenly alive to every feature and aspect of duty, vigorously impelling to the cheerful practice of right, in the effort to promote the highest good of all.

Once more: *In the experience of the wrong-doer the impulse of conscience is exceedingly variable.* The will, the choice, the voluntary reasonings, and the actions, all come into conflict with the conscience to check and confuse its activity; while the circumstances determining the degree of its force, such as the recentness of a wrong act; the vividness with which an act is remembered; the clearness with which the evil tendencies of an act are apprehended; the probabilities of detection; the severity of expected punishment; the encouragement or reproach of esteemed friends, the state of physical health, and nervous sensibility of the evil-doer; together with many other facts, all endlessly vary, thus occasioning great variations in the sensitive impulses of conscience.

Finally: *The conscience may sometimes be apparently dead for years, and then, again, at length wake up as with the voice of avenging wrath.*

Violated, rejected, unheeded, and covered up with voluntary perverted reasonings and willful beliefs, the conscience may become repressed and smothered as if dead for a long period of time. But it is one of the original principles of man's nature, and can never be destroyed. At length, when the subterfuges of voluntary reasonings and other masks are removed, and reason clearly apprehends the real right and the real wrong, and all the fearful tendencies of evil are seen,



then the conscience may rouse itself up toward the evil-doer as a personal, mighty, implacable, unmerciful, accusing tormentor.

So terrible may be its voice of condemnation and impulse toward deserved punishment, that to escape its horrors the guilty party may perpetrate upon himself fearful sufferings, in the vain hope of expiating his crime, or may voluntarily deliver himself up to the proper tribunal of justice in order that he may suffer the punishment deserved for his wrongdoing.

Such are the main features of conscience, in itself considered, and in its principal peculiarities. It is an impulse of the rational being, in harmony with the real reason, toward believed right, from believed wrong. It is an immensely important aid to the good, but a force of tremendously awful possibilities to the bad.

It is the authoritative mandate of reason, but liable to all errors and mistakes of reason; never to be chosen as a direct guide. It needs, through the reason, all the instructive aids, and guarding influences, which reason needs. It should be most carefully heeded, and its slightest impulses obeyed at the moment by the rational being, as the most important sensibility in his whole nature. With it in perfection, insured as right by right reason, the rational being is a being the highest, noblest, and most blessed possible in his circumstances. With it violated, rejected, perverted, till the habit of selfish, willful, wrongdoing is established in the character, the rational being becomes a

monster, with no known limit to his willful selfishness, jealousy, envy, revenge, malice, hatred, and mental, remorseful misery. Science stops in the awfulness of the possibilities which the view prevents, and would vainly seek to find or hide the end.

#### RELATION OF GOVERNMENT TO CONSCIENCE.

From the preceding considerations of the nature, office, and peculiarities of conscience, the inferences, as to the relations of the government to the conscience of its subjects, appear very evident.

*First. Government should appreciate the great importance of conscience, and do all it consistently can to develop and strengthen it among its subjects, endeavoring to establish their uniform obedience to its demands in seeking to do right.*

The very origin and purpose of government are in its usefulness to its subjects, as a means to their securing the ends of their existence, the highest good of all. For this purpose, they need not only to know, but, also, to choose, and will, that which is adapted to result in such ends, their highest good. The conscience is the one great impulse of their being, even the only one, having direct reference to this end. All other impulses the animals of instinct may probably experience. But this is a distinguishing feature of the highest intelligence, and is the characteristic of a rational being. If this is destroyed, the rational subject becomes a fearful creature of depraved instincts, the more powerful for evil as he is the more instructed in the use of means for self-gratification.

It is therefore of the utmost importance that government have especial regard to this feature of its subjects. For, in its destruction, is the destruction of all good ; in its weakening is danger to all good ; in its perversion is loss of great good ; while only in its obedience is there the securing of the greatest possible good attainable in the case.

With an active conscience, carefully obeyed as the authoritative mandate of reason, the subjects, in perfect harmony with good government, will be actively seeking to promote, and secure, the highest good of all concerned, the very aim of good government and of its expressed laws.

Thus most evidently the government should especially regard the conscience of its subjects, and seek to give, through the reason, the fullest instruction to it, in order to develop, strengthen, establish it, in active harmony with reason and the right.

*Second. The government should, in no case, require the violation of conscience on the part of its subjects.*

To make such a requisition is to do that which tends to destroy the highest and most important impulse in the nature of a rational being, degrading him to a creature devoid of the principle and motive of right, ready for any act to which selfish inclination may impel him. It is better that government sacrifice the wealth of tens of its subjects, and put scores to large inconvenience, than to violate, or corrupt the conscience of a single one. No greater evil than this can befall a rational being, and no greater wrong can

government perpetrate upon a subject. The very purposes of government forbid this.

*Third.* In case of a conflict between government and the conscience of a subject, *an equivalent in place of the specific obedience may be required*, but the government must not punish the individual as if guilty of a crime.

While the subject, in the exercise of his reason, is carefully conforming to the dictates of conscience, he is, so far as his motives are concerned, in perfect harmony with the great design of good government. In disregard of mere present consideration, he is acting under a sense of the highest moral right and obligation. As such he is worthy of all respect by government for consistency in acting from the high sense of right. Hence the government should accept of an equivalent for the specific obedience, one which will serve the public good equally well in the circumstances with the other.

To relieve him unconditionally from the required service, would be to relieve him from his share of the duty toward the government, and throw the burden on the other subjects. This in itself would probably be wrong, while the tendency would be to engender dissatisfaction with government as exhibiting partiality in its dealings and its laws. Hence an equivalent service should be required.

*Fourth.* If still the conscience of the subject forbids him rendering any equivalent, *the government, treating the subject with respect for his regard to right, may take by force the equivalent*, even increased, because of the increased expense in securing it.

There is nothing which can destroy the necessity of government among intelligent beings. So there is nothing which can destroy the necessity of means to the government in carrying out its administration for the good of its subjects. Again, nothing can destroy the necessity, and hence obligation, resting upon subjects to furnish, each one, his share of service and revenue needed by government for its administration in securing the good of all. Therefore, government should hold each one to the requirement of rendering his just, proportionate share of aid in securing the good of all.

Hence, if necessary, the government may secure this aid by force; yet in the circumstances supposed it may not act as toward a criminal and intentional evil-doer.

*Fifth.* In case the subject claims, not as a duty but as a right, in his conscience, that which government forbids as a vice, *the government is under no obligation to regard his claim.* The subject may not be compelled to do wrong, yet he may be required to yield up believed right in deference to the superior judgment of government. There is no violation of his conscience in the case, but only obedience to necessary authority. Government is not bound by the judgment of the subject, but the subject is bound by the judgment of government.

In the greater opportunities for knowing what is for the best, possessed by government, and in its relations involving solemn obligations toward all its subjects, when once it has expressed its judgment in

the form of law, the subject must readily yield up his believed convenience, or advantage, or right, through due regard to the authority of government. If he will not, but will refuse obedience, then he may be used as a transgressor, a willful criminal, to be punished as the law requires. •

There may be very extreme cases, there have been a few such in the world, where in the degradation of certain classes, a subject of government may verily believe he ought to do that which is such flagrant vice, and absolute wickedness, that even against his degraded conscience, the government by force must check the vice and break up the wickedness; such probably were the Thugs of India.

So far, in considering the relations subsisting between government and the consciences of its subjects, only the relations and duties of government have been considered. But the relations between parties are always so correlated that a duty on one party involves a corresponding duty on the other. Hence, in considering the relations of subjects toward government, as to conscience, it follows :

*First.* That *they, in a spirit of trustfulness and of cheerful confidence toward government, are to seek its aid in obtaining all possible information as to truth for the correction, strengthening and establishing of conscience in harmony with right.* They should avail themselves of the instruction afforded by government through its laws, and their sanctions, and all other means, acting conscientiously in their obedience, not by force of compulsion or through fear as before a

tyrannical power. But they should obey in the light of truth, with regard, through conscience, to the right and the duty and the privilege of being under the government. They are to regard government as a necessary and most kindly friend, an efficient power, aiding them to secure the highest possible good, and avoid all possible evil. In this light, obedience to government is to be cheerfully rendered, both as a conscientious duty, and as a very great privilege.

For a subject to go forward in careless disregard of the instructive aid of government, doing what he calls right merely in the light of his own reason and conscience, is for him to ignore one of the most important sources of information, that of government, and to pursue a course which, if followed by all, would inevitably involve clashings in the desire of objects of good, in the means selected with which to secure them, and in the actions put forth for this purpose, involving incalculable evils. It is wrong in motive, and wrong practically for the subject to be indifferent toward government. This deadens his conscience, represses his reason, checks his spirit of broad benevolence, and perverts his character into that of narrow selfishness. He must make the duty of obedience an appreciated fact in the conscience, awakening its impulse toward right.

The very purpose, the aim of government, is to aid the subject both in apprehending the truth in its reference to the good of all, and in choosing the truth because of this good, and in carrying it out success-



fully, to this result, even the highest good possible to himself and to others. This, for him, is right in its fullest sense; morally and practically right.

Here conscience has its largest field for exercise; here is scope for its fullest development. Hence the subject ought cheerfully, with the sense of a privileged duty, to seek the aid of government in the improving of both his reasoning faculties and his conscience, acting himself in a spirit of trustfulness and cheerful confidence toward government in seeking its aid.

*Second.* In case of a requirement of government in violation of his conscience, *the subject may not denounce the government, and in the spirit of enmity refuse obedience.*

He has no reason to require, that government, in acting for the good of all, shall gauge its requisitions by his limited knowledge, or personal conscience, as to what is right and good for all. The government is not bound by him, but he is bound by government. He ought to hold in check for a time his own judgment and conscience, while he recasts the matter anew, in reason, to see more clearly wherein the error lies.

Then, if, finally, his conscience still forbids his yielding to the requirement of government, *the conscience must be obeyed.* No higher authority than that of conscience, carefully enlightened by reason, can any rational being possess. This, under all circumstances, must be obeyed. It is the awakened sentiment within the mind of the highest government of



the universe, the government of the Creator, and must be obeyed. The conflicting requisitions of the inferior government must be rejected in deference to the higher. Yet this should be done in no violent, inimical spirit; but with a calm and quiet submission to what the government may require as an equivalent, or so-called, punishment.

The subject may use all proper means to effect a change in the demand of government, yet his duty is that of kindly submission to its dealings with him, out of true regard to the government, both in view of the necessities of its existence, the important relations it sustains to its subjects, and of its superior opportunities for knowing what is for the best interests of all concerned.

*Third.* One other case of conscience as to the duty of subjects with respect to government, remains to be considered. *In the case of outrages of government upon the liberties, welfare, and conscience, of its subjects, there may be a combination of facts and circumstances which shall justify them in seeking relief by effecting a change through violence.*

This involves the right of forcible revolution. This right is as clear and positive as any other, when the circumstances are realized in certain combinations. These may be very numerous, but the following will answer for specification :

The outrages of government upon its subjects must be *severe* ; they must have been so *prolonged* as to prove them involved in the *policy* of government ; all practical and legal measures, other than violence, must

generally have been *tried* and *failed* ; there must be strong, reasonable evidence, that, if the violent revolution succeeds, the evils sought to be remedied *will* be remedied, and no other counterbalancing equal evils be suffered ; and there must be a decided preponderance of evidence in favor of a *successful result* to the effort of the revolution. In such a combination of circumstances, all harmonizing to favor the effort, with no strong, opposing considerations, then will judgment, reason and conscience approve the revolution.

Government is a necessity to existences, and rational, legal government is indispensable to free, rational beings. The worst government is far better than none, and a violent change, in hopes of securing a better, involves, inevitably, severe evils. It should be resorted to only in the last extremity.

*Fourth.* Finally, in the case of good government, the conscientious subject ought, in every manner, to encourage, aid, support, reverence, and heartily esteem the government under which he is placed. He ought earnestly to seek its prosperity, to strive for the promotion of its purity, and readily contribute to the enforcement of its laws. This he should do, holding it as the highest conscientious duty within his sphere of action.

And he ought not to stop with the one, or two, or three, inferior governments, under which he may be living. He ought to think, and act, with truest reference to each higher government above him, up to the highest, revealed in the light of evidence ; up to the

one, great, unifying and universal, government of God over all ; while he advances, ever improving in knowledge, ever strengthening in conscience, ever increasing in rational joy, and ever securing, more and more fully, all the ends of existence, even the highest possible good and welfare of all sentient beings.



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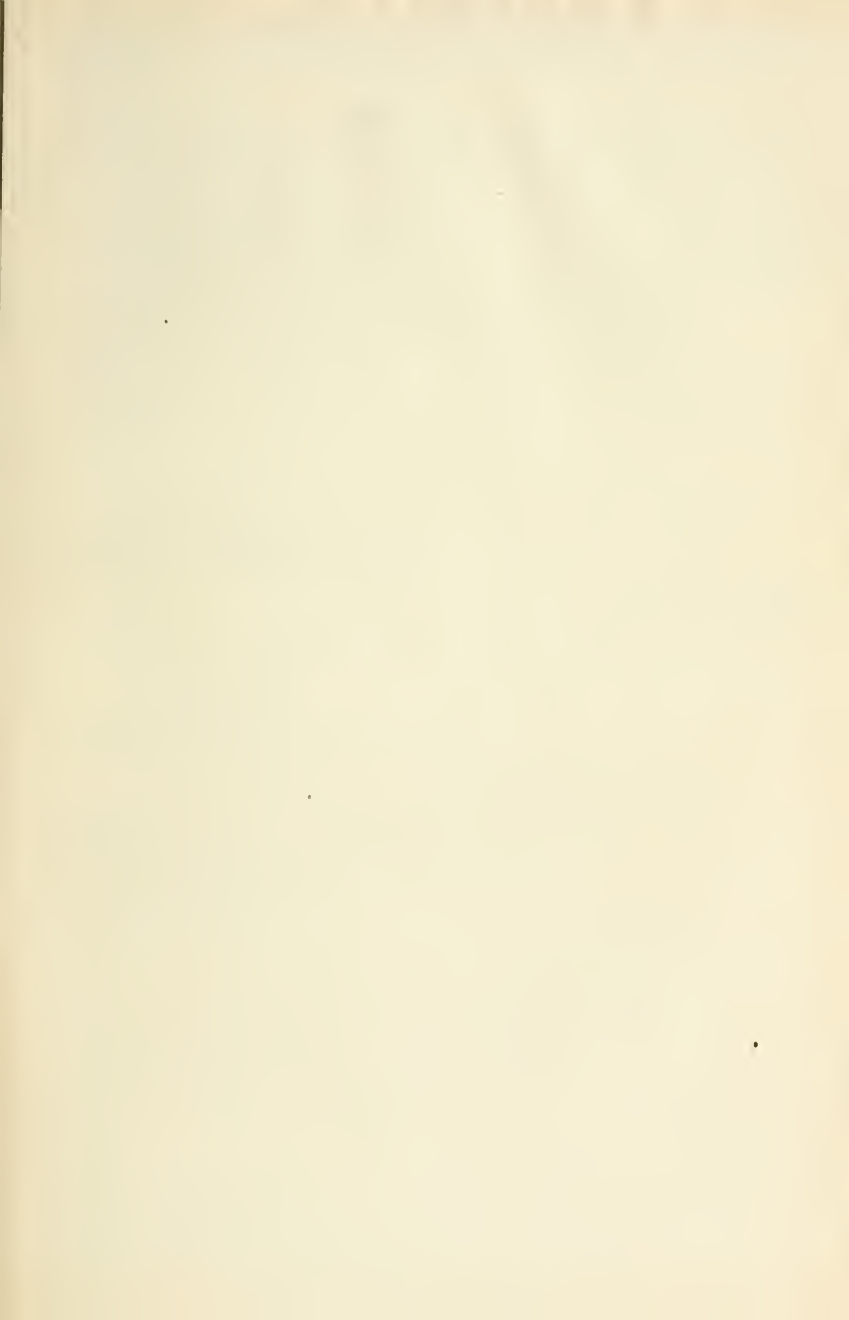
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